

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16668 of 2019
and
Crl.M.P Nos.8376 & 8377 of 2019

D.Subramaniya Gounder ... Petitioner
vs.

1.The state,
Rep by Sub-Inspector of Police,
District Crime Branch, Villupuram,
Villupuram District, Tamilnadu.

2.M.Sundaramoorthy ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to quash impugned proceeding in C.C.No.85 of 2014 on the file of 1st Additional District Munsif Cum Judicial Magistrate No.1, Ulundurpet, pending disposal of this Crl.O.P.

For Petitioner : M/s.P.R.Thiruneelakandan

For Respondents: Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the respondent police against the petitioner for an offence under Section 138 of Negotiable Instruments Act.

2. The various grounds raised by the learned counsel for the petitioner are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.85 of 2014, on the file of the 1st Additional District Munsif Cum Judicial Magistrate No.1, Ulundurpet, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs

To

1.The 1st Additional District Munsif Cum
Judicial Magistrate No.1, Ulundurpet.

2.The Sub-Inspector of Police,
District Crime Branch, Villupuram,
Villupuram District, Tamilnadu.

3. The Public Prosecutor,
High Court of Madras,
Madras.

CrI.O.P No.16668 of 2019
and

CrI.M.P Nos.8376 & 8377 of 2019

VSN II (CO)
GN(19/07/2019)