

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16660 of 2019

and

Crl.M.P Nos.8370 & 8371 of 2019

M.Venkateshan

... Petitioner

vs.

1.State by Inspector of Police,
Central Crime Branch, Team 9,
Vepery,
Chennai-7.

2.Ranjith
Respondents

...

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in C.C.No.4727 of 2017, pending on the file of the learned Special Judge CCB and CBCID Metro Court, Egmore, and quash the same.

For Petitioner

: M/s.A.P.Sathiyamurthy

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.4727 of 2017, on the file of the learned Special Judge CCB and CBCID Metro Court, Egmore, within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

vs

To

1.The learned Special Judge CCB and
CBCID Metro Court, Egmore,
Chennai.

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2. The Inspector of Police,
Central Crime Branch, Team 9,
Vepery,
Chennai-7.

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



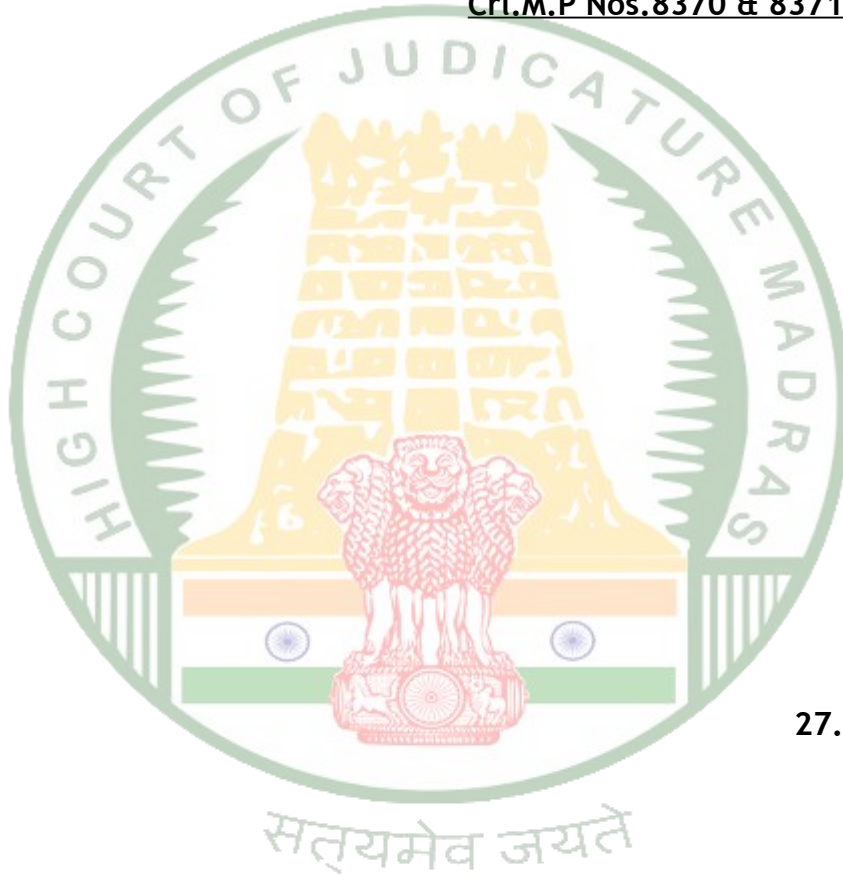
N. ANAND VENKATESH, J.,

VS

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**Crl.O.P.No.16660 of 2019
and
Crl.M.P.Nos.8370 and 8371 of 2019**

N.ANAND VENKATESH,J.

This petition is brought under the caption for being mentioned today(22.08.2019).

2.The following paragraph may be substituted in the first paragraph of the order.

"This petition has been filed challenging the proceedings initiated by the respondent police against the petitioner for an offence under Section 406 and 420 r/w 120(b) IPC."

3.Registry is directed to issue a revised order copy by substituting the same.

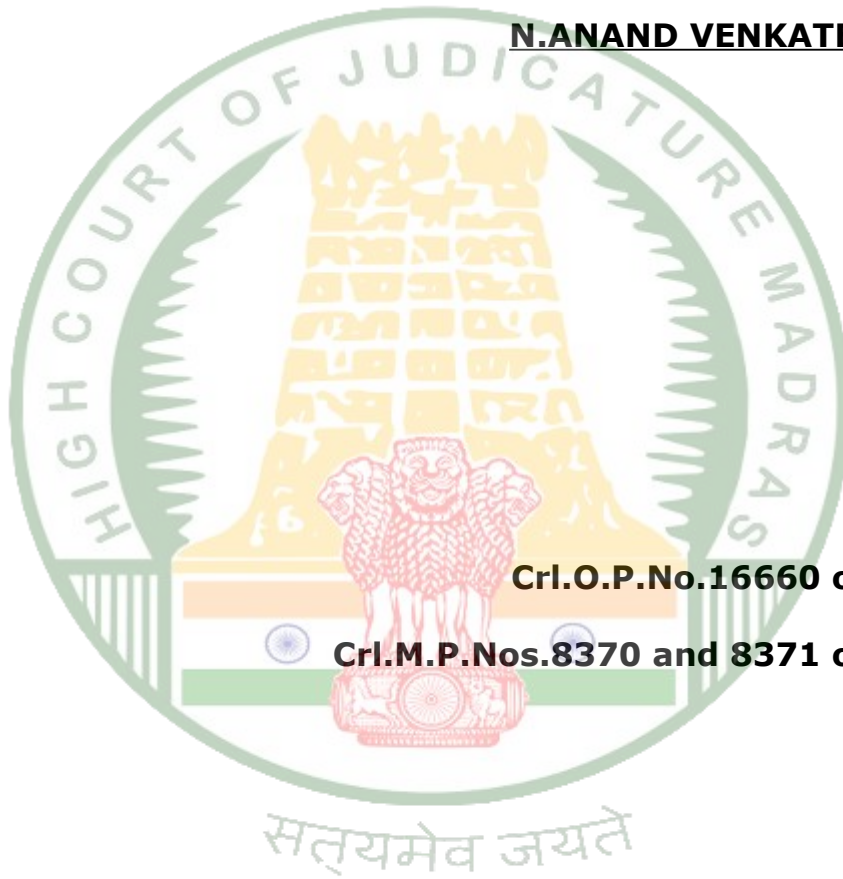
22.08.2019

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Note: Issue order copy on **22.08.2019**

N.ANAND VENKATESH, J.,

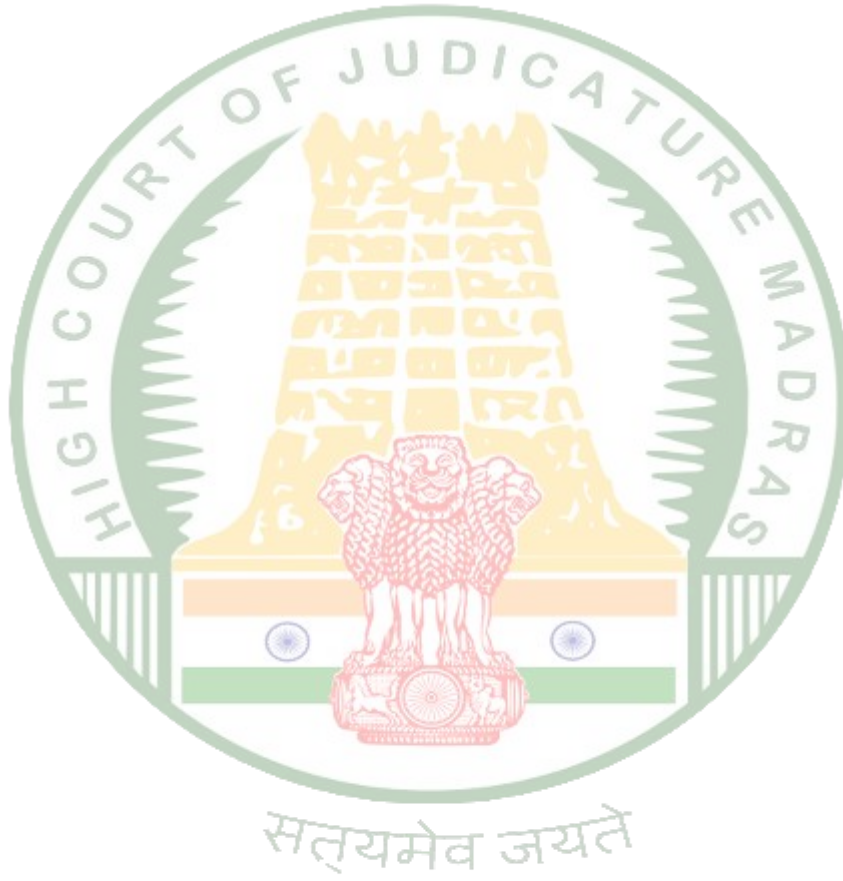
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22.08.2019



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