

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.16892 of 2019
and Cr1.M.P.Nos.8507 and 8508 of 2019

K.Vaheedha

...Petitioner/Accused

-Vs-

M/s.N.R.Leather Exports,
Rep. by its Authorised Signatory,
N.S.Rangachari,
Flat No.2, Athulya No.13,
Prithvi Avenue 2nd Street,
Abhiramapuram, Chennai - 600 018. Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the complaint in C.C.No.9080 of 2017 on the file of the III Fast Track Court (Magisterial Level) Saidapet, Chennai and quash the same.

For Petitioner : M/s.P.Rajkumar Pandian

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.9080 of 2017 on the file of the III Fast Track Court (Magisterial Level) Saidapet, Chennai.

2. The petitioner is facing charges for an offence under Section 138 of the Negotiable Instruments Act, before the Court below.

3. 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.

4. 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.

5. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.9080 of 2017 on the file of the III Fast Track Court (Magisterial Level) Saidapet, Chennai, 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 (CS-II)

//True copy//

Sub Assistant Registrar

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To

The III Fast Track Court (Magisterial Level)
Saidapet, Chennai.

+1cc to Mr.P.Rajkumar Pandian, Advocate SR.No.54311(08/08/2019)

NRJK(CO)
GMY(22/07/2019)
GMY(07/08/2019)

सत्यमेव जयते Cr1.O.P.No.16892 of 2019

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