



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2019

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.17926 of 2019

and Crl.M.P Nos.9036 & 9037 of 2019

Anitha

...Petitioner/Accused

Vs.

N.Palanisamy

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in STC No.439 of 2019 pending on the file of Learned Fast Track Court (Magistrate level), Tiruppur and quash the same.

For Petitioner : Mr.P.C.Paul Kanagaraj

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of the Negotiable Instrument Act.

2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

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. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in STC No.439 of 2019 within a period of four months



from the date of receipt of copy of this order. Consequently,
the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS)

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//True Copy//

Sub Assistant Registrar

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To

The Judge, Fast Track Court (Magistrate level),
Tiruppur.

CRL.OP.No.17926 of 2019
and Crl.M.P.Nos.9036 & 9037 of 2019

svi (CO)
A.SK(08/08/2019)