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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.18771 of 2019

and

CrI.MP.Nos.9545 & 9546 of 2019

K.K.Mani @ Kalaimannan

...Petitioner

-Vs-

M.Kanthasamy

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to C.C.No.256 of 2007, on the file of Judicial Magistrate No.I, Gobichettipalayam and quash the same.

For Petitioner : Mr.T.Muruganantham

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.256 of 2007, on the file of the Judicial Magistrate No.I, Gobichettipalayam.

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 is 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.

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5. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.256 of 2007, on the file of Judicial Magistrate No.I, Gobichettipalayam within a period of three months from the date of receipt of copy of the order. Consequently, connected miscellaneous petitions are closed.

Kp

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Gobichettipalayam.

2. -Do- Thro' The Chief Judicial Magistrate,
Coimbatore.

+1cc to Mr.T.Muruganantham, Advocate, SR.No.60526

Cr1.O.P.No.18771 of 2019

Kak(08/08/2019)