

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19198 of 2019
and
Crl.M.P.Nos.9806 and 9807 of 2019

S.Shanima

... Petitioner

Vs.

R.Rajasekaran

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records on the file of the Court of the learned Judicial Magistrate No.III, Salem, Salem District in connection with STC.No.752 of 2019 and quash the impugned complaint dated 03.01.2019 for alleged offences under Section 138 of the Negotiable Instruments Act, 1881 as amended by Act 55 of 2002 and under Section 200 of Criminal Procedure Code, and all further proceedings.

For Petitioner : M/s.H.Mary Sowmi Rexi

ORDER

This petition has been filed to call for the records on the file of the Court of the learned Judicial Magistrate No.III, Salem, Salem District in connection with STC.No.752 of 2019 and quash the impugned complaint dated 03.01.2019 for alleged offences under Section 138 of the Negotiable Instruments Act, 1881 as amended by Act 55 of 2002 and under Section 200 of Criminal Procedure Code, and all further proceedings.

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 she 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 judgment.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C.No.752 of 2017, on the file of the Judicial Magistrate No.III, Salem District, within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.III,
Salem District.
2. -D- Thro; The Chief Judicial Magistrate
Salem Dist.

+1cc to M/s.Isaac Chambers,Advocates, SR.No.62650

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CrI.O.P.No.19198 of 2019
and

CrI.M.P.Nos.9806 and 9807 of 2019

Kak(24/07/2019)

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