



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:31.07.2019

CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.20385 of 2019
and
CrI.M.P.No.10493 of 2019

V.T.Sreenivasan
Proprietor of
M/s.Sri Laxmi Venkateswara
Traders & Transport
Head Office at No.3/31-1, R.V.Palem
Tadpatri 515 411
Anantapur District (AP)

...Petitioner

Vs.

M/s.URC Construction (P) Ltd.
Represented by its Managing Director
Mr.C.Devarajan
Registered Office at Door No.119,
Power House Road,
Erode-638 001.

Head Office at URC Nagar,
3rd Street, Veerappampalayam
Thindal (Post), Erode-638 012
Represented by Power Agent M.Kettimuthu

...Respondent

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records in STC No.91 of 2016 on the file of the Fast Track Court-II (Magisterial Level) Erode and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.M.Mariappan

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 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 below 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 this petitioner. There was an NBW issued against the petitioner on 19.07.2018. A criminal revision was filed before this Court and this Court directed the petitioner to surrender before the Court below and directed the Court below to consider the recall petition on the same day. This order has not been complied with till date. The petitioner is directed to appear before the Fast Track Court, Magistrate Level, Erode, within a period of two weeks from the date of receipt of copy of this order and execute a bond under Section 88 of Cr.P.C for a sum of Rs.5,000/- without sureties undertaking to appear before the trial Court at the time questioning under Section 313 of Cr.P.c and at the time of passing of final judgment. Thereafter, the presence of the petitioner before the trial Court shall be dispensed with and he shall be permitted to be represented by a counsel. The counsel representing the petitioner shall cross examine the witnesses on the same day, they are examined in chief and the petitioner shall not dispute the identity of the witnesses.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C.No.91 of 2016 within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

Fast Track Court-II
(Magisterial Level)
Erode.

+1cc to Mr.N.Chinnaraj, Advocate, S.R.No.65390

Cr1.O.P.No.20385 of 2019
and
Cr1.M.P.No.10493 of 2019

NR(CO)

RRS(20/08/2019)