

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P No.20940 of 2019
and Crl.M.P Nos.10799 and 10800 of 2019

R.Sukumaran

... Petitioner

Vs.

P.S.Mounasamy

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pending on the file for the Judicial Magistrate Court I at Udumalpet in C.C No.188 of 2019 and quash the same.

For Petitioner : Mr.N.Umapathi

ORDER

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

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 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. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.188 of 2019 on the file of the Judicial Magistrate No.I, Udumalpet, within a period of four months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate No.I,
Udumalpet.

+1 cc to M/s.N.Umapathi, Advocate Sr.No. 66688

AKM/ 28.08.19/ 2P-3C /

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and Cr1.M.P Nos.10799 and 10800 of 2019

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