

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.21697 of 2019
and CrI.M.P.Nos.11246 and 11249 of 2019

M.K.Ravichandiran

Petitioner

vs.

V.A.Sathyamurthy

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in C.C.No.31 of 2018, on the file of the learned Judicial Magistrate, Sholinghur and quash the same.

For Petitioner : M/s.Aruna Elango

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner for an offence under Section 138 of the 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. The learned Judicial Magistrate, Sholinghur, is directed to commit the case in C.C.No.31 of 2018, within a period of two weeks from the date of receipt of copy of this order to the concerned Sessions Court. The Sessions Court, shall thereafter, conclude the proceedings within a period of three months thereafter.

5. This Criminal Original Petition is disposed of with the directions. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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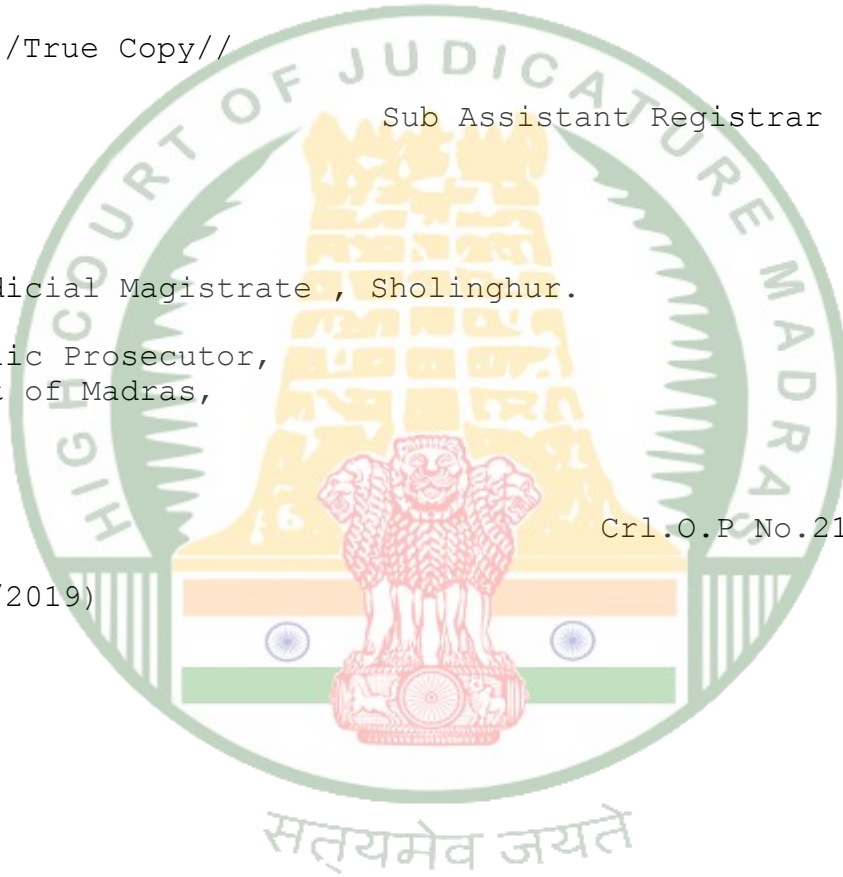
To

1.The Judicial Magistrate , Sholinghur.

2.The Public Prosecutor,
High Court of Madras,
Madras.

MP (CO)
SSM(10/09/2019)

Crl.O.P.No.21697 of 2019



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