

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.26732 of 2017
and
Crl.M.P No.9697 of 2019

G.Sabitha ...Petitioner/Accused

Vs.

Anandakrishnan ...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quasht he complaint in S.T.C No.2976 of 2017 filed against the petitioner on the file of the Judicial Magistrate, Tambaram.

For Petitioner : Mr.R.Venkatesh

For Respondent : Mr.D.Senthilkumar

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 counsel for 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 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 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. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in STC No.2976 of 2017 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

uma

To

1.The Judicial Magistrate,
Tambaram.

2. Do Thro The Chief Judicial Magistrate,
Chengalpet. (For Information)

+1cc to Mr.R.Venkatesh, Advocate, S.R.No. 61795

+3cc to Mr.D.Senthil Kumaar, Advocate, S.R.No. 61435

CRL.OP.No.26732 of 2017
and
Crl.M.P.No.9697 of 2019

NR(CO)
GN(26/08/2019)