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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P (MD) No. 17655 of 2014

and

M.P. (MD) Nos.1 and 2 of 2014

Jeyalakshmi

... Petitioner

Vs

S.Kumarasamy

... Respondent

Prayer: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in criminal complaint in S.T.C.No.230 of 2014 on the file of the learned Judicial Magistrate No.1, Tirunelveli and quash the same.

For Petitioner : Mr.V.Kannan

For Respondent : Mr.R.Anand

ORDER

The petitioner is facing trial in S.T.C.No.230 of 2014 on the file of the Judicial Magistrate No.1, Tirunelveli.

2.It is a case arising under Section 138 of the Negotiable Instruments Act. The petitioner wants this Court to quash the said proceedings.

3.Her contention is that cheque in question was not issued towards an enforceable liability.

4.I am of the view that this is a point that can be canvassed only in the trial proceedings and it is not a point for quashing the impugned complaint. Therefore, this criminal original petition stands dismissed, leaving it open to the petitioner to establish her defence before the Court below. Her personal appearance is dispensed with. However, the Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, to examination under Section 313 of Cr.P.C., and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by counsel. If the petitioner's counsel is also absent, the benefit of dispensing the personal appearance of the petitioner will stand automatically vacated. It is made clear that this Court has not pronounced anything on the merits of the matter. All the



contentions of the petitioner are left open. Consequently,
connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-I)

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Sub Assistant Registrar(CS)

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To
The Judicial Magistrate No.1, Tirunelveli.

Crl.O.P(MD)No. 17655 of 2014
and
M.P. (MD)Nos.1 and 2 of 2014
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SE(CO)
TR(11.10.2019) 2P 2C