



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.8702 of 2014
and
MP(MD)No.1 of 2014

K.Venkatesh

... Petitioner / Accused

Vs.

Akshaya Finance
rep.through its power of attorney,
A.Arunachalam

... Respondent/ Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records connected with the case in C.C No.115 of 2014 on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District and quash the same as illegal.

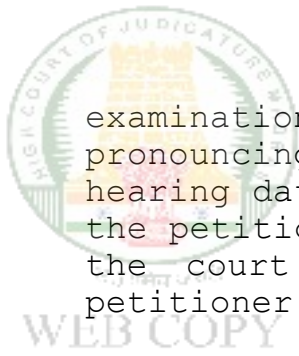
For Petitioner : Mr.R.Alagumani

For Respondent : Mr.K.Sundaravel

ORDER

The petitioner is an accused in C.C No.115 of 2014 on the file of the Judicial Magistrate, Rajapalayam. It is a case arising under Section 138 of the Negotiable Instruments Act. To quash the same, this criminal original petition has been filed. I am of the view that none of the grounds set out in this petition are grounds to quash the impugned proceedings. The petitioner will have to establish his defence only in a regular trial. Accordingly, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition also stands dismissed. All the defences available to the petitioner all left open. It is made clear that this Court has not gone into the merits of the matter.

2.At this stage, the petitioner's counsel states that the petitioner's appearance can be dispensed with before the trial court. I find the said request to be reasonable. The Trial Judge shall not insist on the personal appearance of the petitioners unless it is absolutely necessary or imperative. The petitioners shall of course be present to answer the charges and at the time of



examination under Section 313 of Cr.PC and at the time of pronouncing judgment. Except these three occasions, on other hearing dates the petitioner can be represented through counsel. If the petitioner's counsel is also not present before the court below, the court below will be justified in issuing NBW against the petitioner.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Skm

To

The Judicial Magistrate, Rajapalayam, Virudhunagar District.

+1 CC to M/s.M. KARTHIKEYAVENKADACHALLAPATH, Advocate (SR-85214[F]
dated 05/09/2019)

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JMN(01.10.2019) 2P : 3C