



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.24012 of 2015

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Dayalal K.Patel

... Petitioner/Accused

Vs.

Chokkalingam

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.198 of 2015 on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level), Karur and quash the same as it has no prima facie case against the petitioner.

For Petitioner : No appearance.

For Respondent : Mr.S.Deenadhayan

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O R D E R

None appears for the petitioner.

2. The petitioner is facing trial in C.C.No.198 of 2015 on the file of the Judicial Magistrate, Fast Track Court at (Magisterial Level) at Karur.

3. It is a case arising under Section 138 of the Negotiable Instruments Act. The learned counsel appearing for the complainant states that the trial has been commenced in this case. Therefore, it is not possible to quash the impugned prosecution.

4. Leaving open all the contentions and the defences of the petitioner, the criminal original petition stands dismissed. However, taking into account the facts and circumstances of this case, the personal appearance of the petitioner is dispensed with.

5. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the



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petitioner can be represented through his counsel. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)

pmu

To:

The Judicial Magistrate,
Fast Track Court(Magisterial Level), Karur.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-103511[F] dated 05/12/2019)

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