



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.15736 of 2017

and

Crl.M.P. (MD) Nos.10456 & 10457 of 2017

R.Buvaneswari

... Petitioner/Accused

vs.

M.Muthuveerayee

Rep. through her

Power of Attorney, Pandi

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records connected with the complaint in S.T.C.No.184 of 2017 under Section 138 r/w 142 of N.I.Act on the file of the learned Judicial Magistrate No.V, Madurai and quash the same as illegal.

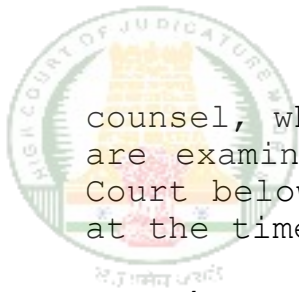
For Petitioner : Mr.R.Alagumani

O R D E R

This Criminal Original Petition has been filed to call for the records in S.T.C.No.184 of 2017, pending on the file of the learned Judicial Magistrate No.V, Madurai and quash the same.

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. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C.No.184 of 2017 on the file of learned Judicial Magistrate No.V, Madurai, within a period of three(3) months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.V,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P. (MD) .No.15736 of 2017
Dated: 24.10.2019

JMN(13.11.2019) 2P : 3C