



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD) .No. 1227 of 2020

and Crl.M.P. (MD) Nos. 544 & 545 of 2020

M.S. Bapuson, Proprietor,
M/s. Yasin Cunny Store, Marthandam, ... Petitioner/sole accused

Vs.

Karungal Former Service
Co-operative Society K.V.90
rep by its secretary.,

... Respondent/complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings in S.T.C. No. 601/2018 on the file of the learned Judicial Magistrate No.I, Kuzhithurai.

For Petitioner

: Mr.R. Maheshwarn

ORDER

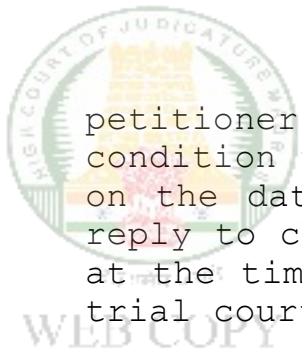
This Criminal Original Petition has been filed to quash the proceedings in S.T.C. No. 601/2018 on the file of the learned Judicial Magistrate No.I, Kuzhithurai.

2. The learned counsel appearing for the petitioner would submit that the cheque which was given by the petitioner as security to the respondent society has been presented and a private complaint has also been filed. He would further submit that there was no legally enforceable debit and hence, sought for quashment of the proceedings.

3. This Court is of the view that all the grounds can be raised before the trial Court and there is no merit in the quash petition.

4. At this juncture, the learned counsel appearing for the petitioner prayed that the petitioner is aged about 67 years and personal appearance of the petitioner before the trial Court, may be dispensed with and also sought for a direction to the trial Court to compete the trial within a specified period that may be fixed by this Court.

5. Accepting the said submission, the presence of the



petitioner before the trial Court shall be dispensed with on condition that he shall be present on the first day of appearance, on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

6. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing him will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, **in State of Uttar Pradesh Vs. Shambunath Singh**, reported in **2001 (4) SCC 667**.

7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No. 544 of 2020 stands closed and Crl.M.P(MD) No. 545 of 2020 stands ordered. However, the learned Judicial Magistrate No.I, Kuzhithurai is directed to complete the trial in STC No. 601 of 2018, within a period of Three Months from the date of receipt of a copy of the order.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ksa
To

The Judicial Magistrate No.I,
Kuzhithurai.

+1 CC to MR.R.MAHESWARAN, Advocate (SR-3250[F] dated 27/01/2020)

Crl.O.P(MD)No. 1227 of 2020

27.01.2020

KM/(19.02.2020) 2P 3C