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CRL.O.P.(MD)NO.4283 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.4283 of 2020 and

CRL.M.P. (MD)Nos.2383 & 2386 of 2020

1. V.Kannan
2. Kavitha

... Petitioners/Accused

Vs.

D.Chandrasekar

... Complainant/Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.789 of 2018 on the file of the learned Judicial Magistrate No.IV, Tiruchirappalli and quash the same.

For Petitioner : Mr.S.Veeranasamy

O R D E R

The petitioners are facing trial in S.T.C.No.789 of 2018 on the file of the Judicial Magistrate No.IV, Tiruchirappalli, for the offences under Section 138 of Negotiable Instruments Act.

2. The petitioner's counsel reiterated the contentions set out in the memorandum of grounds.

3. I am of the view that the petitioners will have to necessarily establish their innocence only before the Court below in a regular trial. Taking note of the overall facts and circumstances, the personal appearance of the petitioners before the Court below is dispensed with.

4. The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners 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 petitioners can be represented through their counsel.

5. It is made clear that this Court has not gone into the
<https://hcservices.ecourts.gov.in/hcservices/>



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merits of the matter. The criminal original petition stands dismissed. Consequently, connected Miscellaneous petitions are closed.

Sd/-
ASSISTANT REGISTRAR (AS)

TRUE COPY

/ /2020
SUB ASSISTANT REGISTRAR (CS)

pmu

To:

1.The Judicial Magistrate No.IV, Tiruchirappalli.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.4283 of 2020
09.03.2020

KB(17.03.2020)/2P/3C