



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2020

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.4369 of 2020

and

Crl.M.P. (MD) Nos.2451 and 2452 of 2020

M.Balasubramanian

... Petitioner/Accused

Vs

S.Balasubramanian

... Respondent/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the complaint in S.T.C.No.56 of 2019 on the file of the Fast Track Court (Magistrate Level) No.II, Madurai and quash the same as illegal.

For Petitioner : Mr.B.A.Muruganantham

ORDER

The petitioner is facing trial in S.T.C.No.56 of 2019 on the file of the Fast Track Court (Magistrate Level) No.II, Madurai, for the offences under Section 138 r/w 142 of Negotiable Instruments Act.

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

3.They are not sufficient for invoking my inherent powers for quashing the impugned proceedings, because they involve appreciation of factual aspects and that would be the function of the trial Court. Therefore, leaving open the petitioner's defences and contentions, this criminal original petition stands dismissed.

4.Considering the overall facts and circumstances, particularly, the age of the petitioner, the personal appearance of the petitioner before the trial Court is dispensed with. Of-course, the petitioner will have to appear on those occasions, when it is directed by the Court below or when it is imperative and necessary. On all other occasions, the petitioner can be represented by his counsel. It is clarified once again that this Court has not gone



into the merits of the matter. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

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To

The Judicial Magistrate,
Fast Track Court (Magistrate Level) No.II, Madurai.

+1 CC to M/s.B.A.MURUGANANTHAM, Advocate (SR-11245[F] dated
12/03/2020)

Crl.O.P(MD)No.4369 of 2020

and

Crl.M.P.(MD)Nos.2451 and 2452 of 2020

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JMN(23.03.2020) 2P : 3C