



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.15648 of 2016 and

CRL.M.P.(MD)Nos.7458&7459 of 2016

B.Venkatapadmavathy

... Petitioner/Accused No.2

Vs.

M.Pichamuthu

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Private Complaint in C.C.No.318 of 2014 pending before the learned Judicial Magistrate, Fast Track Court, Tuticorin dated 06.11.2014 filed under Section 138 of Negotiable Instruments Act and quash the same as illegal.

For Petitioner

: Mr.J.Pandi Dorai

For Respondent

: Mr.S.Sivathilakar

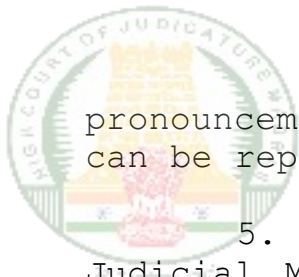
O R D E R

The petitioner is facing trial in C.C.No.318 of 2014 on the file of the Judicial Magistrate/Fast Track Court, Tuticorin, for the offence under Section 138 of Negotiable Instruments Act.

2. The learned counsel appearing for the petitioner reiterated the contentions set out in the memorandum of grounds.

3. I am of the view that these are the contentions that will have to be advanced only before the Court below. The petitioner has to establish his innocence only before the Court below in a regular trial. Leaving open all the contentions and the defences of the petitioner, the criminal original petition stands dismissed.

4. Since the petitioner is a woman, her personal appearance before the Court below is dispensed with. 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 petitioner can be represented through her counsel.

5. The case is of the year 2014. Therefore, the learned Judicial Magistrate/Fast Track Court, Tuticorin, is requested to conclude the case in C.C.No.318 of 2014 in accordance with law within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PMU

To:

The Judicial Magistrate,
Fast Track Court, Tuticorin.

+1 CC to MR.S.SIVATHILAKAR, Advocate (SR-8380[F] dated 26/02/2020)

+1 CC to MR.J.PANDI DORAI, Advocate (SR-8457[F] dated 26/02/2020)

Crl.O.P.(MD)No.15648 of 2016
25.02.2020

_KM (08.06.2020) 2P 4C