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CRL.O.P.(MD)NO.11075 OF 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P.(MD)No.11075 of 2018 and
CRL.M.P.(MD)Nos.5016 & 5017 of 2018

S.Soosaithasan

... Petitioner/Accused

Vs.

J.Cordin Mendis

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records and quash the case in C.C.No.144 of 2016 on the file of the Fast Track Court/Judicial Magistrate Level, Tuticorin, against this petitioner/accused.

For Petitioner : Mr.K.A.Raamakrishnan

For Respondent : Mr.G.Thalaimutharasu

O R D E R

This criminal original petition has filed for quashing the proceedings in C.C.No.144 of 2016 on the file of the Fast Track Court(Judicial Magistrate Level), Tuticorin.

2. It is a private complaint instituted by the respondent under Section 138 of Negotiable Instruments Act. The petitioner's counsel reiterated all the contentions set out in the memorandum of grounds. The first ground is that the cheque in question was obtained under threat and coercion. The respondent filed a First Information Report and during the police enquiry, the cheque in question was said to have been obtained. This aspect of the matter has to be established only in a regular trial. While exercising jurisdiction under Section 482 of Cr.P.C. this Court may not be able to go into this.

3. Leaving open all the contentions and the defences of the petitioner, this criminal original petition stands dismissed. Taking note of the overall facts and circumstances of the case, the personal appearance of the petitioner before the Court below stands dispensed with.

4. 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 his counsel. Consequently,

<https://hcservices.ecourts.gov.in/hcservices/>



connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

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/ /2020
Sub Assistant Registrar(CS)

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To:

1. The Judge, The Fast Track Court/Judicial Magistrate Level,
Tuticorin.

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

Cr1.O.P.(MD)No.11075 of 2018
02.03.2020

SMA/20/03/2020/2P/3C