

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.502 of 2021

and Crl. MP Nos.257 & 258 of 2021

A.Kannan ... Petitioner/Accused

vs.

C.Ramesh .... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to C.C.No.577 of 2019 on the file of the Metropolitan Magistrate Fast Track Court No.II at Allikulam, Chennai and quash the same as illegal, incompetent by allowing Criminal Original Petition.

For Petitioner : Mr. M.Rakhi

For Respondent : Mr.C.Raghavan,  
Government Advocate (Crl. Side)

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 read with Section 142 of the Negotiable Instruments Act.

2. The grounds that have been raised by the learned counsel for the petitioner is purely factual in nature and this Court cannot go into the same in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise these grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. The

presence of the petitioner is dispensed with and he shall be represented by a counsel who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgment.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings, within a period of three months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Cr1) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

1. The Metropolitan Magistrate  
Fast Track Court No.II  
Allikulam, Chennai.

+1cc to Mr.M. RAKHI, Advocate, S.R.No.2483

UM(CO)  
SM/16/02/2021

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