

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P No. 26188 of 2013
and CrI.M.P No.1 of 2013

N. Karthikeyan

...Petitioner

Vs.

Aruna Jain

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.323 of 2008 on the file of the Judicial Magistrate No.II, Erode and quash the same.

For Petitioner : Mr.A.K. Kumarasamy

For Respondent : Mr.R.Ganesh Kumar

ORDER

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

2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, 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 judgement.

4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.323 of 2008, within a period of four months from the date of receipt of copy of this order. Consequently, the connected Criminal Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

msm

To

1. The Judicial Magistrate No.II, Erode.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Ganesh Kumar, Advocate SR.No.25261

+1cc to Mr.S.Kajthaimalai Kumaran, Advocate SR.No.25383

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GSM(CO)
GMY (12/07/2021)

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