



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.3793 of 2018

and

Crl.M.P No.1747 of 2018

J.Devi ...Petitioner

Vs.

D.Bakthavatchalam ...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the STC No. 401/2016 on the file of the Hon'ble Judicial Magistrate-I, Kancheepuram and quash the same.

For Petitioner : Mr.P.Rajavelu

For Respondent : Mr.D.Murthy

ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Section 138 of 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 S.T.C.No.401 of 2016, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate-I
Kancheepuram District

2. The Judicial Magistrate III,
Coimbatore

3. The Public Prosecutor,
High Court, Madras

+1 Cc to Mr.D.Murthy, Advocate sr 29352.

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GPL(CO)
SP(16/07/2021)