

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.4150 of 2021

and

CrI.M.P Nos.2621 and 2622 of 2021

Dr.Anjaneyulu
Aravind Eye Hospital
Near Joyallukkas Jewellery,
Kurnool Road, Ongole,
Prakasam Distric,
Andrapradesh - 523 001. Petitioner

Vs.

T.Durairajan ... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the STC No.3202 of 2017 on the file of Judicial Magistrate Court-II at Tambaram and quash the same.

For Petitioner : Ms.R.Girija

For Respondents : Mr.C.Raghavan
Government Advocate

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 and 142 of the Negotiable Instruments Act, 1881 amended by Act 55 of 2002 and under Section 200 of Cr.P.C.

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 below 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 disposed of with a direction to the Court below to complete the proceedings in STC No.3202 of 2017 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 (CO)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate Court-II,
Tambaram.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Girija, Advocate, S.R.No. 13868

CRL.O.P No.4150 of 2021
and Cr1.M.P Nos.2621 and 2622 of 2021

SKY (CO)
GN(25/03/2021)