



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9152 of 2018

and

Crl.M.P.Nos.4711 & 4712 of 2018

E.Marimuthu,
S/o.Esaikimuthu Pandian

... Petitioner

Vs.

M/s.B.M. Finance,
Rep., by its Proprietor Ashok Kumar,
No.56, Elephant Gate Street,
Sowcarpet, Chennai-600 079.

... Respondent

Prayer:

This Criminal Original Petition filed under Section 482 Cr.P.C. calling for the records in C.C.No.1781/2016 on the file of VIII Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioner : Mr.T.Muruganantham

ORDER

This petition has been filed challenging the proceedings initiated by the respondent 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 she 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 C.C.No.1781 of 2018 as expeditiously as possible. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

1. The VIII Metropolitan Magistrate,
George Town, Chennai
2. The Public Prosecutor,
Madras High Court.

+1cc to Mr.T.Muruganantham, Advocate, S.R.No.39512

Cr1.O.P.No.9152 of 2018 and
Cr1.M.P.Nos.4711 & 4712 of 2018

GPL (CO)
CT/31/08/2021