



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.10142 of 2018

and

CrI.M.P Nos.5182 and 5183 of 2018

1. M/s.Surana Industries Limited,
Represented by its Managing Director,
and Authorized Signatory,
Chokkam Towers,
No.29, Whites Road, second Floor,
Royapettah, Chennai.

2. Dinesh Chand Surana

...Petitioners

Vs.

UCO Bank

Rep. by its Assistant General Manager,
Flagship Corporate Branch, PLA Rathina Towers,
Mount Road, Chennai-6.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to CC.No.1672 of 2016 on the file of the XIV Metropolitan Magistrate and Fast Track Court-II, Egmore, Allikulam, Chennai and quash the same.

For Petitioners : Mr.S.J.Jagadev

For M/s.P.V.Preeja

For Respondent : Mr.V.Sudhakar

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 petitioners 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 petitioners 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 petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners 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 petitioners 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 CC.No.1672 of 2016 within a period of six 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

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To

1. The XIV Metropolitan Magistrate and Fast Track Court-II,
Egmore, Allikulam, Chennai.

2. The Chief Judicial Magistrate, Egmore, Chennai-8.

3. The Public Prosecutor,
High Court, Madras

+1CC to M/s.P.V.Preeja, Advocate, SR.No. 47440

CRL.O.P No.10142 of 2018
and

Cr1.M.P Nos.5182 and 5183 of 2018

KSM(CO)

B.VC (30/09/2021)