

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2389 of 2021
and
Crl.M.P.Nos.1315 and 1316 of 2021

C.Thilipkumar .. Petitioner

Vs.

R.Sambasivan .. Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in S.T.C.No.119 of 2020 on the file of the Judicial Magistrate, Sholingur and to quash the same.

For Petitioner : Mr.S.Kaithamalai Kumaran
For Respondent : Mr.C.Raghavan
Government Advocate

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 138 and 142 of the Negotiable Instrument 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 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.119 of 2020 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]. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Sholingur.
2. The Chief Judicial Magistrate,
Vellore.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Kaithaimalai Kumaran, Advocate, SR.No.8517.

Cr1.O.P.No.2389 of 2021

AAB(CO)
CSR 12.03.2021

12.02.2021



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