



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.9446 of 2018

and

CrI.M.P No.4872 of 2018

M/s.Indian Tubes
Rep. by its Authorised signatory
Niyas Pasha,
S/o.Hajee,
Pudegere Main Road,
Bagalur-Jalahobli
Bangalore North-562 140.

...Petitioner/Accused

Vs.

L.Periyanayaki Mary

.. Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pending on the file of the learned District Munsif cum Judicial Magistrate, Perundurai, Erode District in STC.No.28 of 2018 and quash the same.

For Petitioner	: Mr.E.Kannadasan
For Respondent	: Mr.S.Kaithamalai Kumaran

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.

WEB COPY

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in STC.No.28 of 2018 as expeditiously as possible. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

rli

To

1.The District Munsif cum Judicial Magistrate,
Perundurai, Erode District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No.39483

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.38673

CRL.O.P No.9446 of 2018
and
Cr1.M.P No.4872 of 2018

KV(CO)
GN(14/09/2021)