



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.3609 of 2018
and Cr1.M.P.Nos.1625 & 1626 of 2018

M.Jothieswaran .. Petitioner

Vs.

1. The State Rep. By
Inspector of Police,
District Crime Branch,
Tiruppur.
Crime No.18 of 2014.

2. Gunasekaran .. Respondents

Prayer : This Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating in C.C.No.263 of 2016 on the file of the learned Judicial Magistrate No.II, Tiruppur and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.M.Guruprasad

For Respondent No.1 : Mr.C.E.Pratap
Government Advocate (Cr1.Side)

For Respondent No.2 : N.Elumalai

O R D E R

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 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. In the result, this Criminal Original Petition is disposed of and the Court below is directed to complete the proceedings in C.C.No.263 of 2018 as expeditiously as possible. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate,
No.II, Tiruppur.
2. The Inspector of Police,
District Crime Branch,
Tiruppur.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.Guruprasad, Advocate SR.No.31218

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PMK(CO)
B.VC(06.08.2021)