

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.03.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl. OP No.3987 of 2021
and
Crl. MP Nos.2416 & 2417 of 2021

M/s.Vinayaga Enterprises,
Rep. By its Authorised Signatory Mr.S.Prabhakar,
No.181, 6th Street Extension,
100 feet Road, Gandhipuram,
Coimbatore - 641 012. ... Petitioner/Accused

vs.

M/s.Slivertex Engineers Pvt Ltd.,
Rep. By Authorised Person
Mr.Durairaj,
Regd. Office at: S.F.No.186/1
Mahatma Gandhi Road,
Nellikonampalayam Post,
Coimbatore 33. ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records of the case in STC No.378 of 2018 pending trial on the file of the learned Fast Track Court No.1 (Judicial Magistrate Level), Coimbatore and quash the same.

For Petitioner : Mr. C.D.Johnson

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of the Negotiable Instruments Act.

2. The grounds that have been raised by the learned counsel for the petitioner is purely factual in nature and this Court cannot go into the same in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise these grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. 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 judgment.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings, within a period of three 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(CS VIII)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Fast Track Court No.1
(Judicial Magistrate Level),
Coimbatore.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Cr1. OP No.3987 of 2021
and Cr1. MP Nos.2416 & 2417 of 2021

SR-II(CO)
CSR 22.03.2021