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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.2120 of 2018
and
Crl.M.P Nos.808 and 809 of 2018

Manjunath
Proprietor,
R.S.Auto Components
No.3/487-5, S.F.334/2
Rajaji Layout, Bedarapalli,
SIPCOT-I, Hosur-126
Krishnagiri District.

...Petitioner/Accused

Vs.

Satyanarayan Agarwal
Managing Partner,
United Steel Corporation,
No.60, Mugappair Road,
Padi, Chennai-50.

Rep.by Authorized Manager Power Attorney
Sanjay Modi,
Manager,
United Steel Corporation,
No.60, Mugappair Road,
Padi, Chennai-50.

.. Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying call for the records and quash the proceeding here in S.T.C.No.153 of 2016 pending on the file of the learned Judicial Magistrate, (Fast Track Court), Ambattur till the disposal of the above Criminal Original Petition.

For Petitioner : Mr.S.Ravichandran

For Respondent : Mr.R.Muthukumar



ORDER

(The Case has been heard through Video Conference)

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This petition has been filed challenging the proceedings initiated by the respondents 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. Accordingly, this Criminal Original Petition is disposed of and the Court below is directed to complete the proceedings in S.T.C.No.153 of 2016, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gbi

To

1. The Judicial Magistrate,
(Fast Track Court),
Ambattur.



2. The Public Prosecutor,
High Court, Madras

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CRL.O.P No.2120 of 2018

PCH (CO)
SU (26/07/2021)