

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.03.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.4809 of 2021
and Crl.MP Nos.3069 & 3071 of 2021

M/s.Sri Poornima Enterprises
Authorised Signatories
Mr.D.Shankar

.. Petitioner/Accused

Vs.

S.Mohankumar

.. Respondent/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the connection records made in CC.No.8801 of 2019 on the file of the Fast Track Court - I, Metropolitan Magistrate at Allikulam, Egmore, Chennai and quash the same as illegal.

For Petitioner : Mr.A.G.Senthilkumar

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of 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 CC.No.8801 of 2019 on the file of the Fast Track Court - I, Metropolitan Magistrate at Allikulam, Egmore,

Chennai, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

To

1. The Fast Track Court - I,
Metropolitan Magistrate at Allikulam, Egmore, Chennai

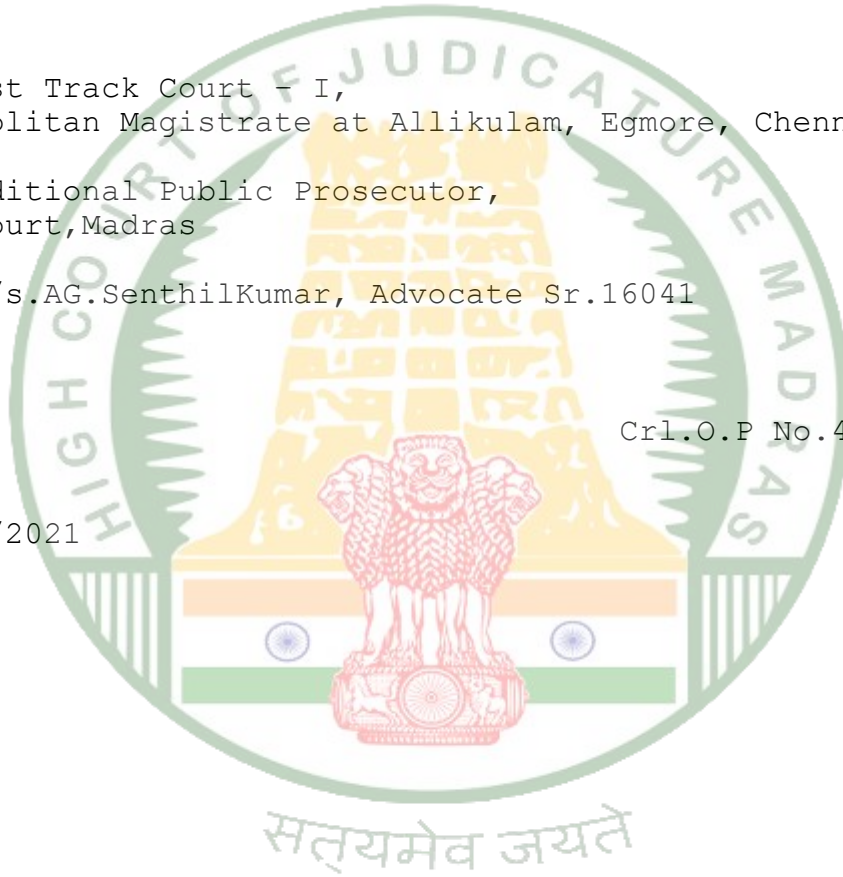
2. The Additional Public Prosecutor,
High Court, Madras

+1cc to M/s.AG.SenthilKumar, Advocate Sr.16041

Cr1.O.P No.4809 of 2021

PL(CO)

baf 11/05/2021



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