

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.5198 of 2021
and Crl.M.P No.3339 & 3340 of 2021

Muthu Raj,
S/o.Malaisamir

...Petitioner/Accused

Vs.

Lokanayaki Modern Groundnut Mill,
Rep. by its Proprietor Mrs.Lokanayaki,
No.534, Thiruvallur Main Road,
Pondavakkam Village,
Uthukottai Taluk,
Tiruvallur District-602 026. ...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in S.T.C.No.234 of 2018 on the file of the learned Judicial Magistrate, Uthukottai, quash the same by allowing this quash petition.

For Petitioner : Mr.M.N.Balakrishnan

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 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. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.234 of 2018, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Uthukottai.
2. -Do- Thro The Chief Judicial Magistrate,
Thiruvallur.

+lcc to M/s.M.N.Balakrishnan, Advocate Sr.17118

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