IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.5416 of 2021
and Crl.M.P Nos.3499 & 3501 of 2021

1. Audio Media Education Pvt. Ltd.,
   Rep. By its Directory,
   T.Selvakumar,
   46, Beemanna Second Street,
   Dr.Ranga Road, Alwarpet, Chennai.

2. T.Selvakumar

3. Navaneetha Selvakumar ...Petitioners

Vs.

M/s.Redington (India) Pvt. Ltd.,
Represented by its Senior Legal Executive,
M.Sundarrajan
SPL Guindy House, No.95, Mount Road,
Guindy,
Chennai-32.

.. Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records in connection with the CC.No.444 of 2013 pending on the file of the learned III Fast Track court, Saidapet, Chennai and quash the same as against the petitioners/accused.

For Petitioner : Mr.Venkatesh Mahadevan

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 138 and 141 of Negotiable Instruments Act.

2. The grounds raised by the counsel for the petitioners is 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

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is left open to the petitioners 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 petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners are dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below at the time of framing of charges, questioning under Section 313 Cr.P.C and at the time of passing of the final judgment.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in CC No.444 of 2013 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 (Crl) 288 SC]*. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them 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

//True Copy//

Sub Assistant Registrar

rli

To
The Metropolitan Magistrate,
Fast Track court at Magisterial Level-III,
Saidapet, Chennai.

+2cc to Mr.Venkatesh Mahadevan, Advocate, S.R.No.18305

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PMK(CO)
KM(21/04/2021)

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