



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.21633 of 2018

And

Cr1.M.P.No.11832 of 2018

D.Ezekiel

... Petitioner

Vs.

C.K.Richard Antony

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in C.C.No.90 of 2018 for the offence punishable under Section 138 of Negotiable Instruments Act, pending on the file of the learned Fast Track Magistrate, Alandur and quash the same.

For Petitioner : Mr.R.Balachandran

For Respondent : No Appearance

ORDER

This petition has been filed seeking to call for the records in C.C.No.90 of 2018 for the offence punishable under Section 138 of the Negotiable Instruments Act, pending on the file of the learned Fast Track Magistrate, Alandur and to quash the same.

2.Though several grounds have been raised by the learned counsel appearing for the petitioner, however, this Court is of the opinion the issue is a triable issue and the grounds raised by the learned counsel appearing 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 Trial 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.It is represented by the learned counsel appearing for the petitioner that this Court may issue a direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioner before the Trial Court may be dispensed with.

4.Accordingly, this criminal original petition is disposed of by directing the Trial Court to dispose of C.C.No.90 of 2018 as expeditiously as possible as per seniority of the case. The petitioner and respondent are directed to co-operate with the Trial Court for early completion of trial. Further, taking into consideration the request as made by the learned counsel appearing for the petitioner, the appearance of the petitioner before the Trial Court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the Trial Court, at its wisdom, shall direct his appearance on those days. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Fast Track Magistrate,
Alandur.

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And

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RLD(CO)
SB(10/11/2021)