



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.6163 of 2021

D.Sankar

... Petitioner

Vs.

M.Elumalai

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pending on the file of the learned District Munsif cum Judicial Magistrate, Ranipet, STC No.712 of 2019 and quash the said criminal proceeding.

For Petitioner : Mr.V.Parthiban

ORDER

This criminal original 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 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 judgment.



4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in STC.No.712of 2019, on the file of the Court of the District Munsif cum Judicial Magistrate, Ranipet within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KP

To

District Munsif cum Judicial Magistrate,
Ranipet.

Crl.O.P.No.6163 of 2021

PL(C0)
TE(29/04/2021)