



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P Nos.2244 and 2245 of 2018
and
Crl.M.P Nos.876 to 879 of 2018

A.Vikram Sudhakar
S/o.V.N.Ayyadurai

...Petitioner
in both Crl.O.Ps

Vs.

M/s. Kotak Mahindra Bank Ltd.,
No.39, Ceebros Centre, 2nd Floor,
Montieth Road, Egmore,
Chennai - 600 008
Represented by its Authorised Signatory
Mr.Rogothaman

.. Respondent
in Crl.O.P.No.2244/2018

M/s. Kotak Mahindra Bank Ltd.,
No.39, Ceebros Centre, 2nd Floor,
Montieth Road, Egmore,
Chennai - 600 008
Represented by its Chief Manager
Mr.Ponraj Thangadurai.

.. Respondent
in Crl.O.P.No.2245 of 2018

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of Criminal Procedure Code, praying to call for the records of the case in C.C.No.969 of 2017 and C.C.No.3035 of 2016 pending on the file of the VII Metropolitan Magistrate George Town at Chennai and quash the same as against the petitioner in the above case.

For Petitioner : M/s. Rajalakshmi
(in Crl.O.P.No.2244 of 2018)
M/s.S.Sundaresan
(in Crl.O.P.No. 2245 of 2018)

For Respondents : Mr.M.Arunachalam
in both Crl.OPs

COMMON ORDER

These petitions have been filed challenging the proceedings initiated by the respondents against the



petitioner under Section 138 and 142 of Negotiable Instruments Act in accordance with Section 357 of Code of Criminal Procedure 1974.

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 for receiving copies under Section 207 of Cr.P.C, for framing of charges, questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.969 of 2017 and C.C.No.3035 of 2016, 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(CCC)

//True Copy//

Sub Assistant Registrar

smn
To

1. The VII Metropolitan Magistrate,
George Town, Chennai.

2.The Public Prosecutor, High Court, Madras.

+1cc to Mr.M.Arunachalam, Advocate SR.No. 32245

CRL.O.P Nos.2244 & 2245 of 2018
and

Crl.M.P Nos.876 to 879 of 2018

PA(CO)

A.SK(06.08.2021)