



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.1910 of 2018
and
Crl.M.P Nos.728 & 729 of 2018

Kamaraj

...Petitioner

Vs.

Sundaram BNP Paribas Home Finance Ltd.,
Rep. by its Authorized Signatory,
Sundaram Towers,
No.46, Whites Road,
Chennai-14.

.. Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in C.C.No.4636 of 2016 on the file of the learned III Fast Track (Metropolitan Magistrate) Saidapet and quash the same.

For Petitioner : Mr.D.Parventhan

For Respondent : Mr.P.V.Balasubramaniam
For BFS Legal

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 judgement.

4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.4636 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(CS VI)

//True Copy//

Sub Assistant Registrar

rli
To

The III Fast Track (Metropolitan Magistrate)
Saidapet, Chennai.

+1cc to M/s.D.Parventhan, Advocate Sr.29435
+1cc to BFS Legal, Advocate Sr.29553

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and
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srg 26/07/2021