



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.2571 of 2018
and
Crl.M.P Nos.1065 & 1066 of 2018

K. Chettannam
S/o Mr.Khandhasamy

...Petitioner/Accused

Vs.

M/s Sree Gokulam Chit and Finance Co (p) Ltd.,
Represented by its Authorized Person,
Thiru P. Kaliappan, aged about 35 years,
S/o Mr.P.Ponnuvel,
59/1-A 1st Floor, Mayanoor Main Road,
Near ARRS Multiplex,
Salem 636 004.

.. Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in S.T.C.No.1643 of 2017 on the file of the learned Judicial Magistrate No.II Salem and quash the same.

For Petitioner : Mr.A. Rajakumar

For Respondent : Mr.L. Rajasekar

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 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 S.T.C.No.1643 of 2017, 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

smn

To

Learned Judicial Magistrate-II,
Salem.

+1cc to Mr.L. Rajasekar, Advocate SR.No.30747

CRL.O.P No.2571 of 2018
and
Crl.M.P Nos.1065 & 1066 of 2018

SKY (CO)
GMY (02/08/2021)