

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.02.2021
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.10783 of 2019
and Crl.M.P No.5529 of 2019

Raja,
S/o.Sambandham.

... Petitioner

vs.

Manickam,
S/o.Vadamalai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records relating to C.C.No.34 of 2019 on the file of Fast Track Judicial Magistrate Court, Mayiladuthurai, Nagapattinam District and to quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondent : M/s.K.M.Vijayan Associates

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of the 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 judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.34 of 2019, within a period of three months from the date of receipt of copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in *Vinod Kumar Vs State of Punjab* [2015 (1) MLJ (Crl) 288 SC]. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS.VI)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,
Fast Track Court, Mayiladuthurai,
Nagapattinam District.

+1cc to Mr.C.Prabakaran, Advocate SR.NO..11036

AKM/16.03.21/ 2P- 3C/

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