



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14904 of 2021

and

Crl.M.P.Nos.8157 & 8162 of 2021

Vijayadhandapani

... Petitioner

Versus

1. State by
The Inspector of Police
Central Crime Branch Team-IV
EDF-II, Vepery
Chennai 7.
(Crime No.197/2013)

2. P.Dakshinamurthy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the C.C.No.2589 of 2017 on the file of the Chief Metropolitan Magistrate CCB-CBCID Cases, Egmore and quash the same.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.A.Damodaran for R1
Government Advocate (Crl.Side)

ORDER

This petition has been filed to call for the entire records pertaining to the C.C.No.2589 of 2017, on the file of the Chief Metropolitan Magistrate CCB-CBCID Cases, Egmore and quash the same.

2. The contention of the learned counsel for the petitioner is that though the occurrence was said to have taken place between 01.09.2011 and 01.01.2012, the complaint has been lodged only on 13.05.2013. As per the complaint, the petitioner



said to have given cheques to the 2nd respondent and hence, the 2nd respondent/defacto complainant ought to have preferred a complaint only under Section 138 of NI Act, instead, he lodged a criminal complaint. The lower Court had not considered the same and taken the case on file. He further submitted that the petitioner is innocent and falsely implicated in this case.

3. The learned Government Advocate (Crl.side) submits that in this case, there are totally 4 accused. On receipt of the complaint, investigation has commenced. Thereafter, on completion of the investigation, charge sheet came to be filed. The lower Court, on perusal of the final report finding that prima facie offence is made out, had issued summons to the petitioner. The petitioner immediately rushed to this Court.

4. The counsel for the petitioner at this stage submits that without going into the merits, he seeks only dispensation of the personal appearance of the petitioner considering his health condition.

5. Considering the submission of the learned counsel for the petitioner, this Court directs the petitioner to produce the medical records before the trial Court and thereafter, the Trial Court is directed to consider the dispensation of the appearance of the petitioner sympathetically.

6. Accordingly, the criminal original petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Chief Metropolitan Magistrate
CCB-CBCID Cases, Egmore.



2. The Inspector of Police
Central Crime Branch Team-IV
EDF-II, Vepery
Chennai 7.
Crime No.197/2013)

3. The Public Prosecutor
High Court of Madras.

+1cc to Mr.B.Kumarasamy, Advocate, S.R.No.43351

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NRL (CO)
SU (23/09/2021)