



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.6090 of 2017
and CrI.M.P.No.4530 & 4531 of 2017

Mrs.Uma Maheshwari

.. Petitioner

Vs.

Thiru.K.M.Niwas

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to the case in C.C.No.258 of 2014 pending trial on the file of the Judicial Magistrate No.1, Thirupur and quash the same with regard to the petitioner.

For Petitioner : Mr.K.S.Karthick Raja

For Respondent : No appearance

ORDER

This criminal Original Petition has been filed to call for the records relating to the case in C.C.No.258 of 2014 pending trial on the file of the Judicial Magistrate No.1, Thirupur and quash the same with regard to the petitioner.

2. The main contention of the learned counsel for the petitioner that petitioner/A4 is only a share holder of the 1st accused company, whereas, she was show as a Director in the complaint. Even the evidence of DW1 is also shown that she was only a Director of the 1st accused company. Hence, prayed to quash the proceedings.

3. It is to be noted that the evidence has been adduced before the Trial Court in the year 2017 and having examined DW1 on the side of respondent, the Trial Court should have appreciated evidence and rendered judgment. This Court cannot assume the role of Trial Court to appreciate the entire evidence, but the fact remains that the evidence is already adduced before the Trial Court and even on the side of the accused, DW1 was examined. At this stage, this Court while exercising its jurisdiction under Section 482 of Cr.P.C cannot conduct a roving enquiry or decide and probe into the evidence



at this stage, which have to be gone into only during the trial.

4. The Court below is directed to complete the proceedings and dispose of the main petition by taking into consideration of the well settled position of law under Section 141 of the Negotiable Instrument Act and find out the responsibility of the person who was incharge at the time of commission of offence during the relevant point of time. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nr/msv

To:-

1. The Judicial Magistrate No.1, Thirupur
2. The Chief Judicial Magistrate, (for Information)
Thirupur

+1cc to Mr.C. Ramkumar, Advocate, S.R.No.61201

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SPD(CO)
CT 06/12/2021