

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.6628 of 2017

and

CrI.M.P Nos.4853 and 4854 of 2017

Mr.Rajesh

...Petitioner

Vs.

M/s.St.John Freight Systems Ltd.,
Rep. by its Corporate Internal Auditor Mr.R.Devanathan,
No.480, Anna Salai, Khivraj Complex-II,.
7th Floor, Nandanam, Chennai - 600 035.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to C.C.No.1382 of 2016 on the file of IV Fast Track Court, George Town, Chennai and quash the same and thus render justice.

For Petitioner : Mr.A.Ilaya Perumal

For Respondent : Mr.P.K.Shrinivasan

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 138 and 141 of the Negotiable Instrument Act, 1881 as amended by Act 66, 1988.

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.1382 of 2016 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The IV Fast Track Court,
George Town, Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.K.Shrinivasan, Advocate SR.9076

CRL.OP.No.6628 of 2017
and Crl.M.P.Nos.4853 and 4854 of 2017

AD(CO)
CB(10/03/2021)