

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.1460 of 2017

and

CrI.M.P Nos.1067 & 1068 of 2017

Tmt.Jayasri

...Petitioner

Vs.

Thiru C.Arulkumar

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the S.T.C.No.4/2016 on the file of learned Judicial Magistrate, Pappireddipatty and quash the same.

For Petitioner : B.Sundarapandian

For Respondents : Mr.K.S.Rajagopalan
& Mr.M.Thiyagarajan

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of Negotiable Instrument 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 dismissed with a direction to the Court below to complete the proceedings in S.T.C.No.4/2016 on the file of learned Judicial Magistrate, Pappireddipatty, within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

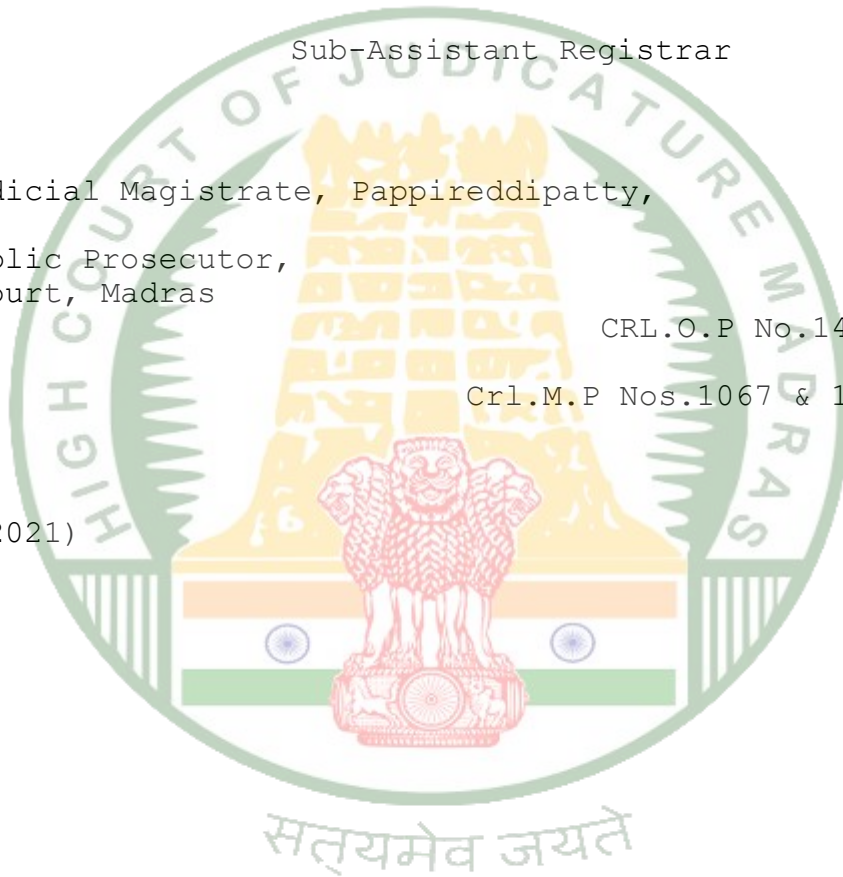
1. The Judicial Magistrate, Pappireddipatty,

2. The Public Prosecutor,
High Court, Madras

CRL.O.P No.1460 of 2017
and

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RGN(CO)
SP(03/03/2021)



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