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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.30373 OF 2019

AND

CRL.M.P.NOS.16448 & 16449 OF 2019

Seema Jain

... Petitioner

.Vs.

Sunil Kumar Sharoff

... Respondent

PRAYER:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the complaint of the first respondent in CC.No.1256/2019 on the file of the learned Fast Track Court Metropolitan Magistrate Court, George Town, Chennai.

For Petitioner : Mr.A.Selvendran

ORDER

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

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4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.1256 of 2019 as expeditiously as possible. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

The Fast Track Court Metropolitan Magistrate Court,
George Town, Chennai.

+2ccs to Mr.A.Selvendran, Advocate, S.R.No.35776

+1cc to Mr.N.Baaskaran, Advocate, S.R.No.35726

CRL.O.P.NO.30373 OF 2019 AND
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PMK(CO)
PBS/02/09/2021