



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.18077 of 2021

WEB COPY

U.Ganesan

... Petitioner / Sole Accused

Vs.

T.Sakthivel

... Respondent / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to C.C.No.121 of 2021 on the file of the Fast Track Court (Magistrate Level), Karaikudi and quash the same.

For Petitioner

: Mr.C.Jeyaprakash

O R D E R

This criminal original petition has been filed for quashing the proceedings in C.C.No.121 of 2021 on the file of the Fast Track Court (Magistrate Level), Karaikudi.

2. It is a private complaint filed by the respondent for the offence under Section 138 of the Negotiable Instruments Act. The learned counsel appearing for the petitioner advanced certain contentions based on the communication sent by the complainant himself. Consideration of such material would involve a factual enquiry. Under Section 482 of Cr.P.C, I cannot do so.

3. Therefore, leaving open all the contentions and defences of the petitioner, this criminal original petition is dismissed. However, taking note of the facts and circumstances of this case, particularly, the fact that the petitioner is a Government servant, the personal appearance of the petitioner before the Court below is dispensed with. However, the petitioner has to appear before the Court below on the following three occasions:-

i) To answer the charges,

ii) at the time of examination under Section 313 of Cr.P.C. and

iii) at the time of pronouncement of Judgment.

The petitioner also will have to appear when his presence is insisted upon by the trial Court and on all other occasions, the petitioner can be represented by his counsel. If the petitioner's



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counsel also fails to appear, the benefit of this order will stand vacated automatically. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judge,
Fast Track Court (Magistrate Level), Karaikudi.

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