



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2021

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.18593 of 2021

and

Crl.M.P.(MD)Nos.10284 and 10285 of 2021

R.Latha ... Petitioner/Accused

Vs.

S.Gunasekaran Pandian ... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the private complaint in S.T.C.No.94 of 2021 on the file of the Fast Track Judicial Magistrate No.II, Madurai and quash the same.

For Petitioner : Mr.R.M.Mahesh Kumaravel

O R D E R

This criminal original petition has been filed to quash the impugned proceedings in S.T.C.No.94 of 2021 on the file of the Fast Track Judicial Magistrate No.II, Madurai. It is a private complaint filed by the respondent for the offence under Section 138 of the Negotiable Instruments Act.

2.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. Consideration of those grounds would require undertaking a factual probe. Under Section 482 of CrPC, I cannot do so. Therefore, I permit the petitioner to raise all these contentions before the Court below during trial. The Court below is obliged to consider the defences and contentions of the petitioner.

3.Leaving open the petitioner's rights and remedies, this criminal original petition is dismissed. Taking note of the fact that the petitioner is a women, her personal appearance before the Court below is dispensed with. However, the Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, for examination under Section 313 of CrPC and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by her counsel. If the petitioner's counsel is also absent, the benefit of dispensing with the personal appearance of the petitioner will stand automatically vacated. Consequently,



connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL)

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Sub Assistant Registrar(CS)

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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:

The Fast Track Judicial Magistrate No.II,
Madurai.

Crl.O.P (MD) No.18593 of 2021
26.11.2021

SRK(CO)
KB(08.12.2021) 2P 2C