



WEB COPY

CrI.O.P.(MD)No.19925 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.19925 of 2021

and

CrI.M.P. (MD)Nos.11226 & 11229 of 2021

Rajkumar

... Petitioner/Respondent

Vs

Jeyaseelan

... Respondent/Petitioner

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records related to the case in S.T.C.No.52 of 2021 on the file of the learned Judicial Magistrate Court No.II, Usilampatti, Madurai District and quash the same.

For Petitioner : Mr.R.Babu Jaganath

ORDER

Heard the learned counsel for the petitioner.

2. This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.52 of 2021 on the file of the Judicial Magistrate No.II, Usilampatti, Madurai District.

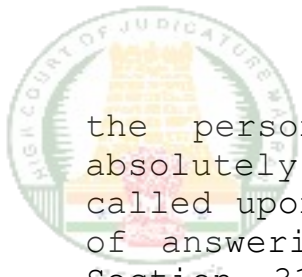
3. The petitioner is facing trial for the offences under Sections 138 & 142 of Negotiable Instruments Act r/w Section 200 of Cr.P.C.

4. The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds.

5. I am not persuaded by the same. Consideration of the petitioner's counsel's contentions would necessarily involve undertaking a factual probe. In exercise of jurisdiction under Section 482 of Cr.P.C., I cannot do so. Leaving open the petitioner's contentions and defences, this Criminal Original Petition is dismissed.

6. However, taking note of the overall facts and circumstances, the personal appearance of the petitioner before the court below is dispensed with. The learned trial Magistrate shall insist on

<https://hcservices.courts.gov.in/hcservices/>



the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through his counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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 Judicial Magistrate Court No.II, Usilampatti,
Madurai District.

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