



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.114 of 2022
and
Crl.M.P. (MD)Nos.81 and 83 of 2022

R.Kaniamuthu ... Petitioner/Accused

Vs.

S.Ramadurai ... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to impugned complaint in S.T.C.No.280 of 2021 on the file of the Judicial Magistrate No.I, (Fast Track Court at Magisterial Level), Madurai and quash the same as illegal.

For Petitioner : Mr.C.Jeganathan

O R D E R

Heard the learned counsel appearing for the petitioner.

2.This criminal original petition has been filed to quash the impugned proceedings initiated for the offence under Section 138 of the Negotiable Instruments Act.

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

4.I am not persuaded by the same. Since contentions facts are involved, the petitioner has to prove his innocence only before the Court below in a regular trial. All the defences of the petitioner are left open. I have not gone into the merits of the matter. This criminal original petition is dismissed. Considering the fact that the petitioner is based in Chennai, his 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 (CS-I)

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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 Judicial Magistrate No.I,
(Fast Track Court at Magisterial Level),
Madurai.

+1 CC to M/s.C.JEGANATHAN, Advocate (SR-726[F] dated 07/01/2022)

Crl.O.P(MD)No.114 of 2022
06.01.2022

RK(25/01/2022) 2P 3C