



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.1015 of 2022

and

Crl.MP(MD)No.722 of 2022

G.Palraj

... Petitioner / Respondent

vs.

D.Asariah Jebakumar

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to impugned proceedings in STC.No.528 of 2021 pending on the file of the learned Judicial Magistrate, Alangulam, quash the same.

For Petitioner : Mr.S.Vishnuvardhan

O R D E R

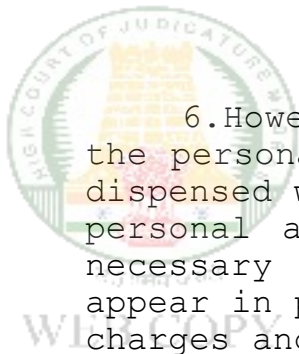
This Criminal Original Petition has been filed for quashing the proceedings in STC.No.528 of 2021 pending on the file of the learned Judicial Magistrate, Alangulam.

2.The case arises under Section 138 of Negotiable Instruments Act.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds and called upon this Court for quashing the entire impugned proceedings.

4.As rightly pointed out by the learned Government Advocate (Crl.Side), consideration of the said contention would definitely involve undertaking a factual probe.

5.I am not in a position to consider the same on merits. Under Section 482 of Cr.P.C, I cannot do so. Leaving open the petitioner's defences and contentions, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.



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 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 if Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through his counsel. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dss

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,
Alangulam.

Crl.O.P.(MD)No.1015 of 2022 and
Crl.MP(MD)No.722 of 2022
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RD/CK(07.02.2022) 2P 2C