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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.15706 of 2023
and Crl.M.P Nos.9787 & 9789 of 2023

S.Vijayalakshmi

Petitioners

VS.

A.Pachaiappan

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to STC No.428 of 2023 on the file of the learned Judicial Magistrate, Krishnagiri and quash the same.

For Petitioners : Mr.J.Muthukumaran

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 138 to 142 of the Negotiable Instruments Act.

2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure



below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and she shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in STC No.428 of 2023 within a period of six months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble



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Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH***

SINGH (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petitions are also closed.

14.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr

To

- 1.The Judicial Magistrate, Krishnagiri.
- 2.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,, J.

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