



WEB COPY



1 of 4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18177 of 2023
and Crl.MP.Nos.12049 & 12051 of 2023

Mr.Munavar Hussain, A/55
S/o.Md.Jaffer

.. Petitioner/Accused

.Vs.

Mr.Abdul Rahman, A-61
S/o.Md.Ibrahim

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with the case in C.C.No.299 of 2022, on the file of the learned Fast Track Judicial Magistrate No.II, Coimbatore and quash the same as illegal and improper.

For Petitioners : Mr.S.Kingston Jerold

ORDER

This criminal original petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of 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 Code. It is left open to the petitioner to raise all the grounds before the Court 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 he 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 dismissed and the Court below is directed to complete the proceedings in C.C.No.299 of 2022, on the file of the learned Fast Track Judicial Magistrate No.II, Coimbatore, within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are also closed.

17.08.2023

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



WEB COPY

3 of 4



To
Fast Track Judicial Magistrate No.II,
Coimbatore.



4 of 4

N. ANAND VENKATESH,, J.
KP

Crl.O.P No.18177 of 2023

-

17.08.2023