



Criminal Original Petition No.16901 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.16901 of 2023

and

Crl.M.P.Nos.10870 & 10872 of 2023

G.Santhosh

S/o.Govindaraji

...Petitioner

Vs

Jegadesh

S/o.Magendiran

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the entire records in STC No.684/2022 pending on the file of the learned Judicial Magistrate-I, Thirupattur, Thirupattur District and quash the same.

For Petitioner : Ms.R.Thulasi

ORDER

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



WEB COPY

2. The grounds raised by the learned 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 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 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 S.T.C.No.684 of



Criminal Original Petition No.16901 of 2023

2022, within a period of three (3) months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is also closed.

31.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No

gba

To

The Judicial Magistrate – I,
Thirupattur,
Thirupattur District.



WEB COPY



Criminal Original Petition No.16901 of 2023

N.ANAND VENKATESH, J

gba

Criminal Original Petition No.16901 of 2023

31.07.2023