



Criminal Original Petition No.17635 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.17635 of 2023

and

Crl.M.P.Nos.11562 & 11563 of 2023

H.Mohamed Rabi
S/o.V.Haneefa

...Petitioner

Vs

M.Sivakumar

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records and quash the complaint filed by the respondent in STC No.100 of 2022 pending on the file of Judicial Magistrate Level - II, Coimbatore.

For Petitioner : Mr.S.Venkatesh

ORDER

This 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 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 judgment.

Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in STC No.100 of



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2022 within a period of four (4) months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

08.08.2023

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

To
The Judicial Magistrate Level - II,
Coimbatore.



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N.ANAND VENKATESH, J

gm

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