



WEB COPY



Crl.O.P.No.18957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18957 of 2023

and

Crl.M.P.Nos.12667 & 12668 of 2023

D.Subashini
W/o.N.Dilli

... Petitioner

Vs.

B.Jothilakshmi
W/o.A.B.Babu

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to STC No.59 of 2021 on the file of Fast Track Court, Judicial Magistrate, Tiruvallur and quash the same.

For Petitioner : Mr.R.Rajesh Kumar

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 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. Learned counsel for petitioner submitted that the examination of PW-1 is completed and the case is now at the stage of final arguments. This is yet another reason as to why the proceedings cannot be interfered at this stage.

4. 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 passing of the final judgment.



CrI.O.P.No.18957 of 2023

Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in STC No.59 of 2021 within a period of two (2) months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

23.08.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

The Fast Track Court,
Judicial Magistrate, Tiruvallur.



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Crl.O.P.No.18957 of 2023

N.ANAND VENKATESH, J

gm

Crl.O.P.No.18957 of 2023

23.08.2023