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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19549 of 2023
and Crl.M.P.Nos.13205 & 13208 of 2023

S.P.Sankaran

... Petitioners

Vs.

Sri Aadhimulanathar Mooligai,
By Prop: Tmt. S. Mohanasundareswari,
W/o S. Soundappan,
d.No.3/426, Anna Nagar,
Sankari Taluk, Naduveneri,
Vembadithalam,
Salem 637504.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in STC. No.1119 of 2019 pending on the file of the Judicial Magistrate Court II, Sankari and quash the same.

For Petitioners : Mr.A.Thiyagarajan

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of the Negotiable Instrument Act.



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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 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 disposed of with a direction to the Court below to complete the proceedings in STC No.143 of 2017 within a period of six months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

01.09.2023

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

To

- 1.The Judicial Magistrate Court II, Sankari.
- 2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSI

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