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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 25.08.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Crl.O.P.No.19111 of 2023**  
**Crl.M.P.Nos.12790 & 12791 of 2023**

1.M/s.Balaji Plastics Pvt. Ltd.,  
Represented by its Managing Director/Authorized Signatory  
Mr.Uppalapatti Vijayakumar  
Door No.8-3-319/16,  
Yella Reddy Guda,  
Hyderabad – 500 073.

2.Mr.U.Vijayakumar

... Petitioners

**Vs.**

M/s.Hallmark Foundations Ltd.,  
Represented by its Chief Executive Officer,  
Dr.S.Vijayakumar, Door No.35 (SP)  
Developed Plot Estate, Guindy,  
Chennai – 600 032, now duly  
represented by Authorized person  
P.Mohan Baby  
Plot No.69, F3 First Cross Street  
Mohan Nagar, Madambakkam, Chennai – 600 126

...Respondents

**PRAYER** : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the above STC No.7069 of 2022 on



the file of learned Metropolitan Magistrate III, Saidapet, Chennai and quash the same.

For Petitioner : Mr.T.N.Muralimoghan

### **ORDER**

This petition has been filed challenging the proceedings initiated by the respondents 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 STC No.7069 of 2022, within a period of four months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

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

**25.08.2023**  
**(1/2)**

To

1.The Metropolitan Magistrate III, Saidapet, Chennai.



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**N.ANAND VENKATESH, J**

SSI

3.The Public Prosecutor,  
High Court, Madras.

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**(1/2)**