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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.23315 of 2022
and Crl.MP.No.14903 of 2022

1. Sasikala
2. M.B.Amirtha
3. Balasubramaniam
4. Mrs.Srivani

Petitioners

vs.

M/s.Reliance Organic Chemical Industries
Rep by its Managing Partner,
R.Saravanan
S/o.Ramasamy,
82B/111, Rasampalayam Road,
Manikkampalayam, Erode - 4

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in STC No.221 of 2022 on the file of Judicial Magistrate Court No.I, Erode.

For Petitioner : Mr.M.KArthik

For Respondent :Mr.M.Guru Prasad



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ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138, 141 r/w 142 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 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.221 of 2022 within a period of three months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in *Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]*. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in *STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)*. Consequently, connected miscellaneous petitions are also closed.

25.08.2023

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

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N. ANAND VENKATESH, J.

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1. The Judicial Magistrate Court No.I, Erode.
2. The Public Prosecutor,
High Court, Madras

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