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CRL.O.P No.19738 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.19738 of 2023

and

CrI.M.P No.13364 of 2023

K.Murali,
S/o.Kumar

...Petitioner/Accused

Vs.

A.Alagesan,
S/o.Arunachalam

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in STC No.820 of 2022 on the file of Judicial Magistrate Fast Track Court Magistrate Level, Poonamallee, Chennai-600056 and quash the same.

For Petitioner : Mr.D.Panchatsaram

ORDER

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



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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. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C. No.820 of 2022 on the file of learned Judicial Magistrate (Fast Track Court Magistrate Level), Poonamallee, Chennai-600056 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



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judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***.

Consequently, connected miscellaneous petition is also closed.

07.09.2023

Speaking Order/Non-Speaking Order

Index: Yes/No

Internet: Yes/No

pal/rsi

To

1. The Judicial Magistrate,
(Fast Track Court Magistrate Level),
Poonamallee, Chennai-600056.

2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH.J.,

pal/rsi

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