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CRL.O.P No.19739 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.19739 of 2023

and

CrI.M.P Nos.13368 and 13370 of 2023

M.Sokkanathan,
S/o.S.Muthuramalingam

...Petitioner/Accused

Vs.

M.A.Rajendran,
S/o.M.P.Adikesavalu

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to quash the complaint in STC No.1832 of 2018 on the file of the Judicial Magistrate-I Court at Tambaram and quash the same.

For Petitioner : Mr.R.Venkatesh

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.1832 of 2018 on the file of learned Judicial Magistrate No.I, Tambaram 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



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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.

07.09.2023

Speaking Order/Non-Speaking Order

Index: Yes/No

Internet: Yes/No

pal/rsi

To

1. The Judicial Magistrate No.I,
Tambaram.

2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH.J.,

pal/rsi

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