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Criminal Original Petition No.25696 of 2022

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

**DATED : 17.07.2023**

**CORAM**

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

**Criminal Original Petition No.25696 of 2022**

**and**

**CrI.M.P.No.15895 of 2022**

S.Babu

S/o.C.Selvam

...Petitioner

**Vs**

V.Thiyagarajan

S/o.Visvanathan

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the entire records in STC No.144/2020 pending on the file of Additional District Munsif cum Judicial Magistrate, Ambur, Thirupattur District and quash the same.

For Petitioner : Mr.A.Gouthaman

For Respondent : Mr.J.Muthukumaran

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**ORDER**

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

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. 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.

Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.144 of 2020, within a period of two (2) months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is also



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closed.

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**17.07.2023**

Index : Yes/No  
Speaking order: Yes/No  
Neutral citation: Yes/No  
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To

The Additional District Munsif cum Judicial Magistrate,  
Ambur, Thirupaththur District.

**N.ANAND VENKATESH, J**



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