



CrI.O.P.No.20444 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.20444 of 2023

Venkataramana
S/o.Muthukumarappa

...Petitioner

VS.

G.S.Ravichandar

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records relating to the order dated 31.07.2023 made in CrI.M.P.No.9940 of 2023 in S.T.C.No.7875/2022, on the file of Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai and set aside the same.

For Petitioner : Mr.AR.M.Arunachalam



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ORDER

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This Criminal Original Petition has been filed challenging the order passed by the Court below in Crl.M.P.No.9940 of 2023 in S.T.C.No.7875/2022, dated 31.07.2023, dismissing the petition filed u/s.209 Cr.P.C. to dispense with the appearance of the petitioner.

2. This Court has carefully considered the submissions made by learned counsel for petitioner and perused the materials available on record.

3. The petitioner is facing trial before the Court below based on the complaint given by the respondent for offence u/s.138 of the Negotiable Instruments Act.

4. Taking into consideration the facts and circumstances of the case, the order passed by Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai, in Crl.M.P.No.9940 of 2023 in S.T.C.No.7875/2022, dated 31.07.2023, is hereby set aside. The petitioner shall be represented through



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a counsel during the proceedings and the petitioner shall be present before the Court below without fail as and when required by the Court below. Even in the absence of the petitioner, the counsel representing the petitioner shall cross-examine the witnesses on the same day when they are examined in chief and the absence of the petitioner should not be taken advantage of to postpone the trial. In any case, the petitioner shall be present before the Court below at the time of questioning u/s.313 Cr.P.C. and at the time of passing of the final judgment.

This Criminal Original Petition is disposed of with a direction to the Court below to dispose of S.T.C.No.7875/2022 within a period of six (6) months from the date of receipt of a copy of this order.

07.09.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order/Non-Speaking Order
gm



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N. ANAND VENKATESH, J

gm

To

The Metropolitan Magistrate,
Fast Track Court-V
Saidapet, Chennai.

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