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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26380 of 2022
and Crl.M.P.Nos.16274 & 16276 of 2022

Dr.M.Rajan

... Petitioner

Vs.

Mr.P.SamRajula Rajan

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the complaint in S.T.C.No.305 of 2021 pending on the file of the learned District Munsif cum Judicial Magistrate, Madhavaram and quash the same.

For Petitioner : Mr.P.Nagaraju

For Respondent : M/s.S.K.Bose

ORDER

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



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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 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 dismissed and the Court below is directed to complete the proceedings in S.T.C.No.305 of 2021, within a



period of three months from the date of receipt of copy of this order. Consequently,

the connected miscellaneous petition are closed.

20.09.2023

(3/3)

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

Neutral Citation : Yes/No

ssr

To

1.The District Munsif cum Judicial Magistrate, Madhavaram

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSI

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