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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.32277 of 2022
and Crl.M.P.Nos.19908 & 19911 of 2022

1.M/s.The Lion Packer,
Rep. by its Sole Proprietor,
Mr.Y.G.Vijaya Mahendra,
1/77, New No.311,
(R.M. Murugan Building)
Siddakovil Main Road,
Sivathapuram, Salem – 636 607.

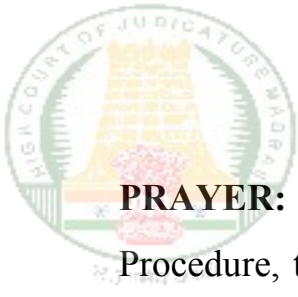
2.Mr.Y.G.Vijaya Mahendra

...Petitioners

Vs

M/s.Sivadharshini Papers Private Limited,
A Private Limited Company Incorporated
Under the Companies Act, 1956
Having its Office at No.2/309A,
Harini Arcade, Vadavalli Post,
Coimbatore – 641 041.
Rep. by its Account Manager and
Power of Agent,
Mrs.K.Maheswari,
W/o.Mr.A.Kottaithurai

... Respondent



PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the STC No.363 of 2016 on the file of learned Judicial Magistrate No.7, Coimbatore and quash the same.

For Petitioner : Mr.H.Rajesh

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 138, 141 and 142 of the Negotiable Instruments Act, 1881.

2. The grounds raised by the counsel for the petitioners 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 petitioners 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 petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of



the case, the presence of the petitioners 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 petitioners 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 disposed of with a direction to the Court below to complete the proceedings in STC No.363 of 2016 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 petitioners adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand him to custody as per 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.

18.07.2023

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



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N.ANAND VENKATESH, J

SSR

To

- 1.The Judicial Magistrate No.7, Coimbatore.
- 2.The Public Prosecutor, High Court, Madras.

Crl.O.P.No.32277 of 2022

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