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Criminal Original Petition No.2347 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.2347 of 2024

M/s.Indian Aluminium Trading Company
Rep. By its Power Agent
Mr.Pullaiah Ramaih,
S/o.Ramaih
No.63, Srinidhi
Thattankulam Road
Madhavaram, Chennai – 60.

...Petitioner

Vs

1.M/s.Sargam Metals Pvt. Ltd.,
Rep. By its Managing Director
Mr.Sarathi Arun
“Mangalam Square”
L-13, Dr.VSI Estate, Phase II,
Thiruvanmiyur, Chennai – 41.

2.Mr.Sarathi Arun
Managing Director
M/s.Sargam Metals Pvt. Ltd.,
“Mangalam Square”
L-13, Dr.VSI Estate, Phase II,
Thiruvanmiyur, Chennai – 41.

3.Mrs. Vijaya Arun
Director of M/s.Sargam Metals Pvt. Ltd.,



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“Mangalam Square”

L-13, Dr.VSI Estate, Phase II,
Thiruvanmiyur, Chennai – 41.

4.Mr.Sundarachari Varadachari

Director of M/s. Sargam Metals Pvt. Ltd.,

“Mangalam Square”

L-13, Dr.VSI Estate, Phase II,
Thiruvanmiyur, Chennai – 41.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the learned XXIV Metropolitan Magistrate, Egmore, Chennai to dispose the case in S.T.C.No.3588 of 2021 on the file within a time frame to be fixed by this Court and pas such orders.

For Petitioner : Ms.R.Meenakshi Devi

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

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

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. The facts of this case and grounds raised the quash petition does not fall within the parameters laid down by the Apex Court in Bhajan Lal case reported in (1992) Suppl (1) SCC 335. 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.



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4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.326 of 2019, within a period of four months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is also closed.

06.02.2024

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

To

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5.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J

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