



WEB COPY



CrI.O.P.No.5383 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.5383 of 2024

And

CrI.M.P.No.3938 of 2024

Gunasekaran

... Petitioner

Vs.

Y.Chinaswami

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records relating to the case in S.T.C.No.34 of 2020 on the file of the learned Judicial Magistrate III, Salem, Salem District and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.J.Titus Enock

O R D E R

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



CrI.O.P.No.5383 of 2024

WEB COPY

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 in 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., at the time of passing of the final judgement and as and when required.



CrI.O.P.No.5383 of 2024

WEB COPY

4. Accordingly, this criminal original petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.34 of 2020, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

07.03.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate III,
Salem,
Salem District

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



WEB COPY



Crl.O.P.No.5383 of 2024

N.ANAND VENKATESH,J.
pri

Crl.O.P.No.5383 of 2024
And
Crl.M.P.No.3938 of 2024

07.03.2024