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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.5217 of 2024
and Crl.MP.Nos.3806 & 3807 of 2024

V.Suresh

... Petitioner/Accused

.VS.

Prabhu

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in STC No.319 of 2023 on the file of the Judicial Magistrate No.I, Gingee and quash the same.

For Petitioner : Mr.C.Raja

ORDER

This petition has been filed challenging the proceedings initiated by the respondent 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. The Court below shall get a bond executed by the petitioner under Section 88 of Cr.PC.

4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in STC No.319 of 2023, within a period of **six months** from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

05.03.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP



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To
Judicial Magistrate No.I, Gingee.



N. ANAND VENKATESH., J

KP

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