



Crl.O.P.Nos.6744 and 6745 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.6744 and 6745 of 2024

And

Crl.M.P.Nos.4951 and 4952 of 2024

R.Suresh

... Petitioner in both the Crl.O.Ps.

Vs.

Rajasekar

... Respondent in both the Crl.O.Ps.

Common Prayer:

Petitions filed under Section 482 of Cr.P.C., seeking to call for records in C.C.Nos.136 and 135 of 2022 respectively pending on the file of the Judicial Magistrate Court II, Madurantakam and quash the same.

For Petitioner : Mr.S.Selvakumar

COMMON ORDER

These criminal original petitions have been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of the 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. 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 251 Cr.P.C., 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 by the Court below.



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4. Accordingly, these criminal original petitions are dismissed and the Court below is directed to complete the proceedings in C.C.Nos.136 and 135 of 2022 respectively, within a period of four months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

20.03.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate Court II,
Madurantakam.

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



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N.ANAND VENKATESH,J.
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