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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.13714 of 2023
and Crl.M.P No.8421 of 2023

G.Palani

...Petitioner

.Vs.

S.Panneerselvam

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in STC.No.204 of 2021, on the file of the Judicial Magistrate Court, Polur and quash the same.

For Petitioner : Mr.B.Jawahar

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.

4. Accordingly, this Criminal Original Petition is disposed of and the Court below is directed to complete the proceedings in S.T.C.No.204 of 2021, within a period of **four** months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is also closed.

22.08.2019

Speaking Order/Non-Speaking Order
Index: Yes/No
Internet: Yes/No
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To
Judicial Magistrate Court, Polur.



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N.ANAND VENKATESH.J.,

kp

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