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Crl.O.P.No.17935 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17935 of 2023
and Crl.M.P.Nos.11829 & 11830 of 2023

Arindam Guha
Director, M/s.City Life Retail Pvt Ltd.,
3rd Floor, Express Tower, 424, Auckland Road,
Shakespeare Sarani Road,
Kolkata – 700 017
Residing at Flat No.1801,
Meghana Tower, Ring Road, Banashankari,
2nd Stage, Bengaluru, Karnataka – 560 070 ... Petitioner/Accused No.3

vs.

Mr.M.Natarajan
Proprietor of M/s.Sri Vaigai Garments,
No.8/61-C, Murugampalayam Road,
Near Jayanthi School, Arulpuram, Tirupur – 641 605.
Rep., by its Power of Attorney Holder,
Mr.M.Elangovan. ... Respondent/complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with complaint made in S.T.C.No.134 of 2020 on the file of the Fast Track Court at Magistrate Level, Tirupur, and quash the same.

For Petitioner : Mr.S.Manoj Kumar

For Respondent : Mr.N.Somasundar



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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 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 at the time of initial questioning under Section 251 of Cr.P.C., and subsequent questioning under Section 313 of Cr.P.C., and at the time of passing of



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the judgment.

4. Accordingly, this Criminal Original Petition is disposed of and the Court below is directed to complete the proceedings in S.T.C.No.134 of 2020 on the file of the Fast Track Court at Magistrate Level, Tirupur, within a period of six months from the date of receipt of copy of this order.

5. It is brought to the notice of this Court that the non-bailable warrant is pending against the other accused persons and the petitioner alone was surrendered in this case. Hence, there shall be a direction to the Court below to ensure that the non-bailable warrant is executed on the other accused persons. The Court below shall take a bond from the petitioner under Section 88 Cr.P.C. Consequently, the connected miscellaneous petitions are also closed.

24.01.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

pbn

To

1. The Fast Track Court at Magistrate Level, Tirupur

2. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,. J.
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