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CrI.O.P.No.1196 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1196 of 2024

1.K.Jegajeevan

2.N.M.Krishnan

... Petitioners

Vs.

1.The State

rep. by the Inspector of Police
W-28, All Women Police Station
Ambattur, Chennai
Crime No.17 of 2022

2.J.Chitra Banu

...Respondents

Prayer: Criminal Original Petition under Section 482 of the Criminal Procedure Code to call for the records pertaining to the proceedings in S.C.No.238 of 2023 on the file of the Additional Mahila Court, Thiruvallur and quash the same.

For Petitioners : Mr.A.Vijayasankar

For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners for offence under Section 138 of Negotiable Instruments Act.

2. The grounds raised by the counsel for the petitioners 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. It is left open to the petitioners to raise all the grounds before the Court below 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 petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. Insofar as the 1st petitioner is concerned, he shall be present before the Court below at the stage of answering under Section 251 Cr.P.C, at the time of



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questioning under Section 313 Cr.P.C, and at the time of passing of the final judgement and insofar as the 2nd petitioner is concerned, he shall be present before the Court below as and when required.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C. No.2977 of 2023 within a period of three months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioners adopt any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them to custody as per the judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petitions are also closed.

24.01.2024

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No

To

- 1.The Additional Mahila Court,
Thiruvallur.
- 2.The Public Prosecutor,
Madras High Court.

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