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Criminal Original Petition No.1 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.1 of 2024

and

Crl.M.P.Nos.2 & 4 of 2024

Vipul Jhawar
S/o.Anil Jhawar

... Petitioner

Vs.

M/s.Samunnati Agro Solutions Pvt. Ltd.,
Rep. By its Power Agent Sri.K.Amudan
Son of Kannappa Ramasamy
having office at
Baid Hi-Tech Park
8th Floor, No.129-B, East Coast Road,
Thiruvanmiyur,
Chennai – 600 041.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to STC No.3197 of 2022 on the file of FTC-V, Saidapet and quash the same.

For Petitioner : Mr.J.Ravi Shankar



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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 ***State of Haryana and others v. Bhajanlal and others [(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.



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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 judgment.

Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in STC No.3197 of 2022, within a period of six (6) months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

04.01.2024

Index : Yes/No
Speaking Order/Non-speaking Order
Neutral Citation : Yes/No
gm

To
The FTC-V, Saidapet.

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N.ANAND VENKATESH, J

gm

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