



WEB COPY



Crl.O.P.Nos.1139 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1139 of 2024
and Crl MP Nos.523 & 524 of 2024

Jayaraman Gokulakrishnan
Director M/s.Aruljothi Infrastructure Private Limited
No.4/27, 1st Floor, Kamatchi Colony
1st Street Tambaram Sanatorium
Chennai 600 047

... Petitioner

Vs.

1.M/s.P.K.Vaduvammal
A registered partnership firm
Represented by its Managing Partner
Mr.P.C.Shyamsunder
Registered office at
New No.97, Old No.143A
Rasappa Chetty Street
Park Town
Chennai 600 003
Represented by its Power Agent
D.M.Suresh

2.M/s.Aruljothi Infrastructure Private Limited
No.4/27, 1st Floor, Kamatchi Colony
1st Street Tambaram Sanatorium
Chennai 600 047.



Crl.O.P.Nos.1139 of 2024

3.Srinivasareddiar Thiagarajan
Director M/s.Aruljothi Infrastructure Private Limited
No.4/27, 1st Floor, Kamatchi Colony
1st Street Tambaram Sanatorium
Chennai 600 047.

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to call for the records of STC.No.2788 of 2022 pending on the file of the FTC IV Metropolitan Magistrate Court, George Town, Chennai, pending disposal of this criminal original petition to quash the same as against this Petitioner.

For Petitioner : Mr.R.Vinayaga Vishnu

ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Section 138 read with 141 of Negotiable Instruments Act, 1881.

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



Crl.O.P.Nos.1139 of 2024

quash petition does not fall within the parameters laid down by the Apex Court in *State of Haryana and Ors., Vs. Bhajan lal and Ors.*, 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 judgment.

4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.2788 of 2022, within a period of four months from the date of receipt of copy of this



Crl.O.P.Nos.1139 of 2024

order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court in ***Vinod Kumar Vs State of Punjab*** reported in ***[2015 (1) MLJ (Crl) 288 SC]***. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH*** reported in ***(JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petitions are also closed..

23.01.2024

Jer

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No



WEB COPY



Crl.O.P.Nos.1139 of 2024

N.ANAND VENKATESH,J

Jer

To

- 1.The IV Metropolitan Magistrate
FTC IV Metropolitan Magistrate Court,
George Town, Chennai
- 2.The Public Prosecutor,
Madras High Court.

Crl.O.P.No.1139 of 2024
and Crl. MP Nos.764 & 765 of 2024

23.01.2024