



*Crl.O.P.(MD)No.8267 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.8267 of 2022

and

Crl.M.P.(MD) Nos.5586 and 5587 of 2022

V.Karthikeyan

... Petitioner

Vs.

M.Sundresan

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Impugned proceedings in STC No.800 of 2021 on the file of the Judicial Magistrate Court,Vadipatti and to quash the same.

For Petitioner : Ms.S.Prabha

For Respondents : Mr.S.Balaji



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*Crl.O.P.(MD)No.8267 of 2022*

## **ORDER**

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of the 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. It is left open to the petitioner 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 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. The petitioner shall be present before the Court at the time of framing of charges and at



*Crl.O.P.(MD)No.8267 of 2022*

the time of questioning under Section 313 of Cr.P.C., and at the time of passing of the judgment. The counsel representing the petitioner shall cross examine the witnesses on the same day they are examined in Chief.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.C.No.331 of 2021, 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 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 (JT 2001 (4) SC 3191)*. Consequently, connected miscellaneous petitions are also closed.

**26.11.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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*Crl.O.P.(MD)No.8267 of 2022*

**N.ANAND VENKATESH,J.**

PKN

**CrI.O.P.(MD)No.8267 of 2022**

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