



CrI.O.P.(MD)No.16553 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD) No.16553 of 2022

and

CrI.M.P.(MD) Nos.11037 and 11038 of 2022

S.Jeyadeepa

... Petitioner

Vs.

T.Prem

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the proceedings in S.T.C No. 729 of 2019 on the file of the Judicial Magistrate Court No.I, Padmanabhapuram, quash the same.

For Petitioner : Mr.R.J.Karthick

For Respondent : Ms.T.Prema

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 142 of the Negotiable Instruments Act, 1881 read with Section 200 of Cr.P.C.



Crl.O.P.(MD)No.16553 of 2022

for the offence punishable 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 she shall be represented by a counsel. The petitioner shall be present before the Court at the time of questioning under Section 313(i)(b) of Cr.P.C., and at the time of passing of the judgment and as and when required by the trial Court.



Crl.O.P.(MD)No.16553 of 2022

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.729 of 2019, within a period of four 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 v. Shambhu Nath Singh (JT 2001 (4) SC 3191)*. Consequently, connected miscellaneous petitions are closed.

10.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN



Crl.O.P.(MD)No.16553 of 2022

To
WEB COPY

The Judicial Magistrate Court No.I,
Padmanabhapuram.



WEB COPY



Crl.O.P.(MD)No.16553 of 2022

N.ANAND VENKATESH,J.

PKN

Crl.O.P.(MD)No.16553 of 2022

Dated: 10.12.2024