



Crl.O.P.(MD).No.16950 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.12.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.16950 of 2022

and

Crl.M.P.(MD).No.11367 of 2022

D.Sanjeeva Reddy

...Petitioner/Accused

Vs.

P.Murugan

...Respondent/complainant

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in connection with the case in C.C.No.155 of 2021 on the file of the learned Judicial Magistrate,Vedasandur and quash the same.

For Petitioner : Mr.N.Sathish Babu

For Respondent : Mr.B.Azhagesh

ORDER

This petition has been filed challenging the proceedings in C.C.No.155 of 2021 on the file of the Learned Judicial Magistrate,Vedasandur for the offence under Sections 138 and 142 of Negotiable Instruments Act, 1881.



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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, 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 judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.

155 of 2021 within a period of four months from the date of receipt of a



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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 petition is also closed.

11.12.2024

Index : Yes/No
Internet : Yes/No

TSG

To

1. The Judicial Magistrate, Veda sandur.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH.J.,

TSG

**Order made in
Crl.O.P.(MD).No.16950 of 2022**

**Dated :
11.12.2024**