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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P NO.10010 OF 2015

AND

CRL.M.P NO. 1 OF 2015

D. Chandrasekaran

...Petitioner/Accused

Versus

K.K. Alagirinathan

...Respondent/Complainant

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the entire records in relation to the proceedings in C.C.No.476 of 2013 on the file of the Judicial Magistrate Court, Kangayam and to quash the same.

For Petitioner : Mr.K.Pasupathy

For Respondent : Mr.N.S.Sivakumar

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of the Negotiable Instrument 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. 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.

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3. 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.476 of 2013, pending on the file of the Judicial Magistrate Court, Kangayam, within a period of six months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

msm

To

The Judicial Magistrate,
Kangayam.

+1cc to Mr.N.S.Sivakumar, Advocate, S.R.No.40187

CRL.O.P No.10010 of 2015

and

CrI.M.P No. 1 of 2015

SSD(CO)

RLP(04/10/2021)