

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.13088 of 2015

N.Ravi .. Petitioner

Vs

1. T.Swaminathan
2. Sivakumar
3. Karthikayan .. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Judicial Magistrate No.1, Tiruvannamalai to hear the arguments of the Petitioner and thereafter dispose the case in C.C.No.385/2009 on the file Judicial Magistrate, Tiruvannamalai No.1 and thus render justice.

For Petitioner :Mr.R.Rajarajan

ORDER

The petitioner has filed this petition seeking for a direction to the learned Judicial Magistrate No.1, Tiruvannamalai to hear the arguments of the Petitioner and thereafter dispose of the case in C.C.No.385/2009 pending on his file.

2. Heard the learned counsel for the petitioner.

3. On perusal of the materials available on record, it is seen that the petitioner is the complainant before the trial court in C.C.No.385 of 2009, which was filed way back in the year 2009 by this petitioner, against the respondents herein for the alleged offences under sections 463, 468, 420 and 408 IPC. The private complaint has been dragging on for years on end without any progress, which prompted the first respondent/accused to approach this Court in Criminal Original Petition No.1573 of 2015 for a direction to the learned Judicial Magistrate No.1, Tiruvannamalai to expeditiously dispose of the proceedings in C.C.No.385 of 2009. Accordingly, this Court by order dated 27.1.2015 has directed the learned Judicial Magistrate No.1, Tiruvannamalai to dispose of C.C.No.385 of 2009 on or before 30.4.2015 and this Court has also observed in the said order as follows:

".... learned Magistrate is directed to insist upon the evidence of the complainant and shall not grant any adjournment mechanically at the request of the complainant."

4. On account of the order passed by this Court, the learned Magistrate, who is perforce required to comply with the order passed by this Court, has been insisting upon the complainant to conclude the evidence in the case and has been posting the matter on a day-to-day basis. Now that the complainant has come up with this petition for extension of time, I am unable to persuade myself to agree with his request for the reason that the complainant had filed the case way back in the year 2009 and at the instance of the accused, this Court passed the order, directing the trial court to complete the trial on or before 30.4.2015. If the trial Court is not able to complete the trial, request will be made by the trial court administratively for extension of time. Judicial order for extension of time cannot be passed at the instance of the complainant.

5. Under such circumstances, this Criminal Original Petition is dismissed.

ajr

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.1,
Tiruvannamalai.
2. -do- thro' The Chief Judicial Magistrate,
Tiruvannamalai.

+ 1 cc to Mr.R.Rajarajan, Advocate SR 26077

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