

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2015

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1235 of 2015

and

M.P.No.1 of 2015

Dr.Noel Dass Lazarus

.. Petitioner

vs.

K.Kathirvel

S/o.M.Kandasamy

... Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate, Fast Track Court at Magistrate Level II, Coimbatore, passed in C.M.P.No.5355 of 2015 in C.C.No.489 of 2011 on 21.08.2015.

For Petitioner : Mr.C.Deivasigamani

O R D E R

This revision arises against the order of learned Judicial Magistrate, Fast Track Court at Magistrate Level II, Coimbatore, passed in C.M.P.No.5355 of 2015 in C.C.No.489 of 2011 on 21.08.2015.

2. Petitioner is facing trial for offence u/s.138 of the Negotiable Instruments Act in C.C.No.489 of 2011 on the file of learned Judicial Magistrate, Fast Track Court at Magistrate Level II, Coimbatore. In such case, petitioner/accused filed a petition u/s.311 Cr.P.C. seeking examination of father and uncle of the complainant. Such petition came to be dismissed under orders in C.M.P.No.5355 of 2015 in C.C.No.489 of 2011 dated 21.08.2015. Against such order, the present revision has been filed.

3. Heard learned counsel for petitioner

4. The order of the Court below reflects the manner in which proceedings are sought to be protracted and successfully at that by the petitioner/accused. In dismissing the petition, the Court below has reasoned that despite an earlier petition under Section 311 Cr.P.C. having been allowed and the details regards

the complainant's father having been furnished, a further petition u/s.311 Cr.P.C. has been filed by petitioner/accused after completion of examination of witnesses. Taking note of the factual scenario, the Court below found that the petitioner was protracting proceedings. This Court finds absolutely no error in the order of the Court below.

This Criminal Revision is dismissed. The Court below is directed to dispose of the case in C.C.No.489 of 2011 pending on its file within a period of one month from the date of receipt of this order without fail. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

True Copy

Sub Assistant Registrar

gm
To

The Judicial Magistrate,
Fast Track Court at Magistrate Level II,
Coimbatore.

+1cc to Mr.C.Deivasigamani, Advocate sr.66715

Cr1.R.C.No.1235 of 2015

rv[co]
srg 14/12/2015

सत्यमेव जयते

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