

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.20472 and 20473 of 2015

Su.Srinivasan Petitioner in both Crl.OPs

Vs

K.Pandiyan ... Respondent in Crl.OP.20472/15

A.S.Abdul Rahman ... Respondent in Crl.OP.20473/15

Prayer in Crl.OP.No.20472 of 2015 : Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Fast Track Court No.I, Egmore, Chennai, now functioning at Allikulam, behind old Moore Market Complex, Chennai, to receive the case in C.C.No.1188 of 2015 and to proceed with the complaint in accordance with law.

Prayer in Crl.OP.No.20473 of 2015 : Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Fast Track Court No.I, Egmore, Chennai, now functioning at Allikulam, behind old Moore Market Complex, Chennai, to receive the case in STC.No.585 of 2014 and to proceed with the complaint in accordance with law.

For Petitioner : Mr.K.Selvaraj in both Crl.OPs

C O M M O N O R D E R

These petitions have been filed to direct the Fast Track Court No.I, Egmore, Chennai, now functioning at Allikulam to receive the cases in C.C.No.1188 of 2015 and STC.No.585 of 2014 respectively and to proceed accordance with law.

2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. On 14.08.2015, this Court passed the following order:

"It is seen that the petitioner filed a complaint under Section 138 of Negotiable Instruments Act before the

learned Judicial Magistrate, Ambattur, which was transferred to the Fast Track Court-III [Magisterial Level], Saidapet, pursuant to the Judgment of the Supreme Court in Dashrath Rupsingh Rathod Vs State of Maharashtra CDJ 2014 SC 647. Thereafter, the Central Government has passed an ordinance in The Negotiable Instruments [Amendment] Ordinance, 2015 [No.6 of 2015 w.e.f. 15.06.2015].

2. Pursuant to which, this case was returned by the learned Judge, Fast Track Court-III, Saidapet to the complainant on 14.07.2015 for presenting the same before the jurisdictional court, within one month i.e., the court, where the bank of the complainant is situated. According to the complainant, his bank, State Bank of India, Vepery Branch, falls within the jurisdiction of Fast Track Court-I, Egmore. The petitioner re-presented the complaint before the said Magistrate on 28.07.2015, but the learned Magistrate returned the complaint, on the ground that the Egmore Court complex is being shifted to Allikulam and so, the complainant was directed to go to that complex and present the complaint.

3. When the complainant presented the complaint before the learned Judge, Fast Track Court-I, Egmore now located at Allikulam walled complex on 03.08.2015, it is stated that the learned Magistrate is not receiving it, on the ground that the case has already been numbered by the earlier Court. Under such circumstances, the petitioner has approached this Court by filing this petition on 11.08.2015, because the one month period expires today [i.e., on 14.08.2015].

4. In the opinion of this Court, it will serve the interest of justice, if further time is extended by four weeks with a direction to the petitioner to re-present the complaint and report to this Court. The learned Fast Track-I Magistrate, Egmore is directed to receive the complaint and pass judicial orders thereon in accordance with law.

Post on 11.09.2015 'for reporting compliance.'

4. Today, when the matter was posted for reporting compliance, learned counsel for the petitioner submitted that the complaints were presented before the learned Fast Track-I Magistrate, Egmore [Allikulam] today and the same has also been received by the learned Magistrate.

In view of the above, these petitions are closed.

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s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

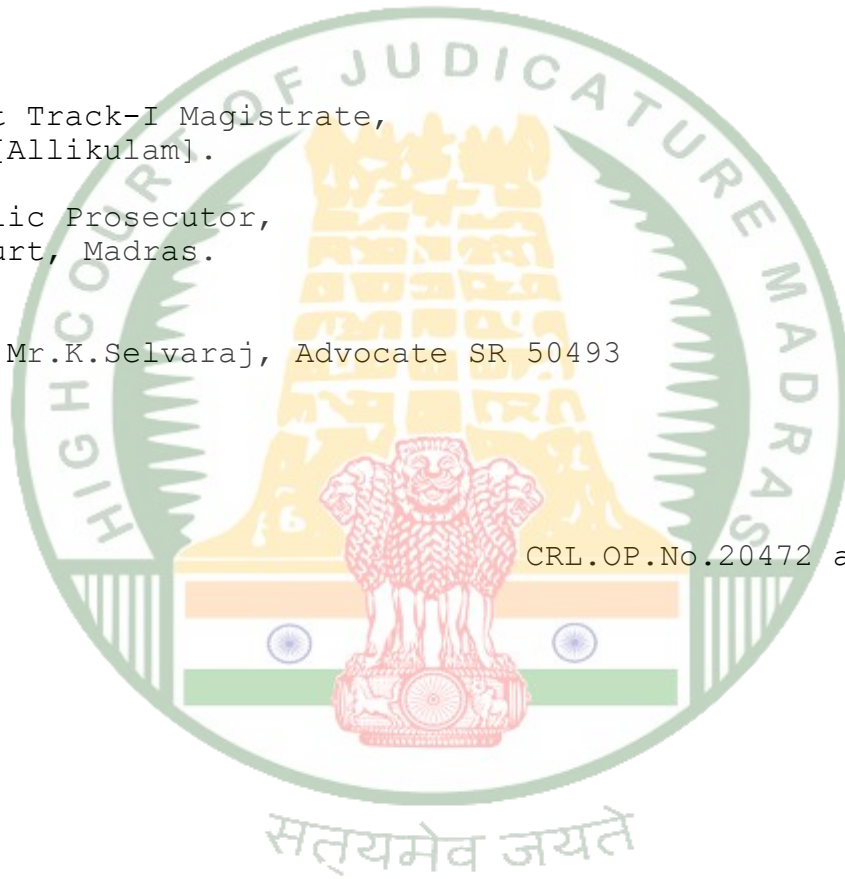
1.The Fast Track-I Magistrate,
Egmore [Allikulam].

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.K.Selvaraj, Advocate SR 50493

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