

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.24705 of 2015

A.Leo Charles

... Petitioner

Vs

M.Vijayakumar

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate Court No.II, Salem, to complete the trial expeditiously in C.C.No.384 of 2011 within a time frame to be fixed by this Court.

For Petitioner : Mr.C.Rajan

For Respondent : Mr.M.Saravana Kumar

ORDER

The present criminal original petition has been filed seeking a direction to the learned Judicial Magistrate No.II, Salem, to complete the trial expeditiously in C.C.No.384 of 2011 within a time frame to be fixed by this Court.

2. In the said case, copies of the complaint and the documents were served on the respondent on 1.10.2014. Thereafter, the matter was posted on 7.10.2014 for questioning the respondent. After that, the matter was posted on 17.11.2014, 5.12.2014 and 2.1.2015. When, the case was posted for trial on 7.2.2015, thereafter, adjourned to 11.2.2015. On 11.2.2015, when the matter was taken up, the learned Magistrate sought clarification from the counsel for the petitioner as well as the respondent, who is the party in person. Thereafter, the matter was adjourned to 24.2.2015 in respect of cognizance taken under Section 211 I.P.C. On 24.2.2015, the learned Magistrate addressed a detailed letter to the Registrar General of this Court to transfer the matter to some other Court. Since the learned Magistrate was unable to proceed with the trial of the case, it was adjourned to 30.3.2015. On 30.3.2015, the learned Magistrate adjourned the case since orders are awaited from the Registrar General of this Court. Again, the matter was listed on 27.4.2015 and on that date, since the learned Magistrate was

on leave, it was adjourned to 12.6.2015. On 12.6.2015, both sides were heard on the facts of the case and since the petitions filed by the respondent were pending, it was posted on 4.7.2015. Thereafter, it was adjourned to 7.8.2015. On 7.8.2015, the matter was adjourned to 9.10.2015 on the ground that orders are awaited from this Court. The respondent / party in person has been filing petitions after petitions before the trial Court under one pretext or other. Hence, the trial in this case could not be proceeded with. Now, the learned Magistrate, who has addressed the letter to the Registrar General of this Court, has been transferred and a new Magistrate has taken charge. Hence, the petitioner has filed the present petition seeking a direction to the present Magistrate to complete the trial expeditiously in C.C.No.384 of 2011 within a time frame to be fixed by this Court.

3. Learned counsel appearing for the petitioner submitted that since the previous Magistrate sent a letter to the Registrar General of this Court to transfer the case in C.C.No.384 of 2011 to some other Court and since orders are awaited from this Court, the matter could not be taken up by the present Magistrate. Thus, he sought for a direction to the present Magistrate to complete the trial in a time bound manner

4. In my considered opinion, since the previous Magistrate, who sent a letter to the Registrar General of this Court, has already been transferred, absolutely, there is no impediment for the present Magistrate to proceed with the trial of the case in C.C.No.384 of 2011. Hence, the learned Judicial Magistrate No.II, Salem, is directed to expedite the trial of the case in C.C.No.384 of 2011 and complete the same within a period of four months from the date of receipt of a copy of this order. The criminal original petition is disposed of accordingly.

sbi

-s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To
The Judicial Magistrate No.II,
Salem.

+ 2 ccs to M/s.C.Rajan, Advocate SR 66821

+ 1 cc to M/s.M.Saravanakumar, Advocate SR 66990

rsk(co)
prk29/12

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