

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2015

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.3736 of 2015

Anoopkurian

.. Petitioner

-Vs-

Jomon K.Joseph

.. Respondent

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Judicial Magistrate (Fast Track Court, Magistrate Level) Ambattur, Chennai, to consider the petition under Section 70(2) of Cr.P.C. filed if any by the petitioner herein on the same day in C.C.No.82 of 2013 on the file of the learned Judicial Magistrate, Ambattur.

For Petitioner : Mr.Dr.R.Sampathkumar

O R D E R

The petitioner is the accused in C.C.No.82 of 2013 under Section 138 of Negotiable Instruments Act and he is facing trial. In that case, witnesses have been examined and questioning under Section 313 Cr.P.C. was completed and the case was posted for examining the witnesses on the side of the defence. In the meanwhile, the petitioner has filed an application under Section 311 Cr.P.C., which was dismissed. Since the petitioner/accused did not appear before the trial Court for two hearings, N.B.W. was issued. It is further submitted that the petitioner apprehending arrest has come forward with this petition seeking direction to the learned Judicial Magistrate, Ambattur, Chennai to accept his surrender and pass orders on the same day in accordance with law. He is ready to co-operate with the trial for early disposal of the case in C.C.No.82 of 2013.

2.Heard the learned counsel for the petitioner. Notice to the respondent is dispensed with.

3.Considering the submissions made by the learned counsel for the petitioner, questioning under Section 313 Cr.P.C. was over and

the case was posted for examining the witnesses on the side of the defence. Since the petitioner/accused did not appear before the trial Court, N.B.W. was issued and now he is ready to surrender before the Court. In such circumstances, I am of the view, it is a fit case for giving direction to the Trial Court for early disposal. Accordingly, the learned Judicial Magistrate (Fast Track Court, Magistrate Level), Ambattur, Chennai, is directed to consider the petition filed by the petitioner under Section 70(2) Cr.P.C. and pass orders on the same day in accordance with law and to dispose of the case in C.C.No.82 of 2013 within a period of two months from the date of receipt of a copy of this order. The petitioner is directed to co-operate with the early disposal of the case.

4. With the above direction, the Criminal Original Petition is disposed of.

kj

-s/d-
Assistant Registrar (CS-II)
Dt: 26/2/2015

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Ambattur.
2. -do- thro' The Chief Judicial Magistrate,
Chengalpet.
3. The Public Prosecutor
High Court, Madras.

+ 1 cc to Dr. R. Sampathkumar, Advocate SR 8324

gj(co)
prk3/3

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