



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P.(MD)No.3445 of 2011 and M.P.(MD).No.1 of 2011

WEB COPY

C.Shankar

... Petitioner/Accused

Vs.

P.Kannan

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to set aside the order passed by the learned Additional District Judge, Trichy (Fast Track Court No.I) in Crl.R.C.No.59 of 2010 dated 22.11.2010 confirming the order passed by the Judicial Magistrate, Thuraiyur in Crl.M.P.No.4322 of 2009 in C.C.No.252 of 2006 dated 13.04.2010.

For Petitioner : Mr.M.Subash Babu

For Respondent : Mr.K.Samidurai

O R D E R

This Criminal Original Petition is filed to set aside the order passed by the learned Additional District Judge, Trichy (Fast Track Court No.I) in Crl.R.C.No.59 of 2010 dated 22.11.2010, confirming the order passed by the Judicial Magistrate, Thuraiyur in Crl.M.P.No.4322 of 2009 in C.C.No.252 of 2006 dated 13.04.2010.

2. The petitioner is an accused for an offence under Section 138 of the Negotiable Instruments Act. The respondent/complainant filed an application under Section 311 of Cr.P.C., to file income tax return. The said application was allowed. Challenging the same, the petitioner has filed a Revision. The Revision Petition was rejected on the ground that the revision is not maintainable. Therefore, the present petition has been filed.

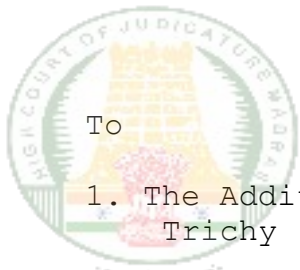
3. This Court is not inclined to go into the question as the revision is maintainable or not. A power under Section 311 Cr.P.C., is discretionary. The trial Court has exercised its discretion for the purpose of rendering justice. This Court is not find any perversity in the order passed by the trial Court and the petitioner will not be prejudiced by the said order. Hence, the Criminal Original Petition stands dismissed.

4. Taking into consideration the fact that the case is pending from 2006 onwards, the learned Judicial Magistrate, Thuraiyur is directed to dispose of the case in C.C.No.252 of 2006 within a period of six months from the date of receipt of a copy of this order and file a report before this Court. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/



To

1. The Additional District Judge,
Trichy (Fast Track Court No.I).

2. The Judicial Magistrate,
Thuraiyur.

3. -DO- Thro The Chief Judicial Magistrate,
Tiruchirapalli.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.M.SUBASH BABU, Advocate in SR.No. 28068

+1cc to MR.K.SAMIDURAI, Advocate in SR.No. 27778

Akv

SR/PRV : 30.06.2015 : 2p/7c

Cr1.O.P. (MD) No.3445 of 2011
04.06.2015