

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.7991 of 2016

K.Ganesamurthy

.. Petitioner

Vs.

A.Sivakumar

S/o.K.Avinashiappan

Prop. M/s.S.R.Exports,
4/80, Avinashi Palayam,
Palangarai Post, Avinashi,
Tiruppur District.

.. Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the disposal of the case in S.T.C.No.73 of 2013 on the file of the Fast Track Court, Tiruppur within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

ORDER

The petitioner has come forward with this petition to direct the disposal of the case in S.T.C.No.73 of 2013 on the file of the Fast Track Court, Tiruppur within a stipulated period.

2.The learned counsel for the petitioner would submit that the petitioner as a complainant filed a private complaint in S.T.C.No.73 of 2013 against the respondent/accused for the offence punishable under Section 138 of Negotiable Instrument Act. After examination of witnesses, when the case was posted for judgment, the respondent/accused filed a petition in Crl.MP.No.2356 of 2015 under Section 45 of the Indian Evidence Act and the same was allowed on condition to pay a sum of Rs.5,000/- towards Advocate Commissioner fees. But the said petition has been closed for non-production of documents. Thereafter, the respondent herein has filed another petition in Crl.MP.No.2952 of 2016 to re-open the case and the same is yet to be disposed of. Hence, he prayed for early disposal of the case in S.T.C.No.73 of 2013 after disposal of Crl.MP.No.2952 of 2016.

3.Considering the limited scope of the prayer sought for, notice to the respondent/accused is dispensed with.

4.The petitioner as a complainant preferred a complaint in S.T.C.No.73 of 2013 against the respondent/accused for the offence punishable under Section 138 of Negotiable Instrument Act. At the time, when both side evidence has been completed and the case was posted for judgment, the respondent/accused has come forward with a petition to re-open the case. But the averments in the petition itself is not correct because once he has disputed the signature, the admitted signature of the contemporary period is necessary, but, in paragraph No.3 of the affidavit, he has stated that he is ready to furnish the specimen signature. In such circumstances, I am of the view that the respondent/accused has filed this petition with a malafide intention to drag on the proceedings. Hence, it is a fit case for giving direction to the Trial Court for early disposal of the case. Accordingly, the learned Judicial Magistrate No.I, Fast Track Court, Tiruppur is directed to dispose of the petition in Crl.MP.No.2952 of 2016 within a period of one month from the date of receipt of a copy of this order. On disposal of Crl.MP.No.2952 of 2016, the learned Judicial Magistrate No.I, Fast Track Court, Tiruppur is directed to dispose of the case in S.T.C.No.73 of 2013 within a period of one month thereafter.

5.In the result, the Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate No.I,
Fast Track Court, Tiruppur.

+1cc to Mr.C.Govi Ganesan, Advocate sR.24508

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GJ II[co]
srg 11/05/2016