

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.8756 & 8757 of 2016

S. Sumathi

Petitioner in both the OPs

vs.

R. Srinivasan

Respondent in both the OPs

Prayer in Crl.O.P. No.8756 of 2016:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Metropolitan Magistrate (FTC-III) Saidapet, Chennai, to take up the Calendar Case No.1040 of 2015, pending on his file and dispose the same within a time frame.

Prayer in Crl.O.P. No.8757 of 2016:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Metropolitan Magistrate (FTC-III) Saidapet, Chennai, to take up the Calendar Case No.645 of 2015 pending on his file and dispose the same within a time frame.

For petitioner in both the OPs Ms. S. Sumathi
Party-in-person

COMMON ORDER

These petitions are filed seeking a direction to the Metropolitan Magistrate (FTC-III) Saidapet, Chennai, to take up the Calendar Case Nos.1040 of 2015 and 645 of 2015 and dispose the same.

2 Heard the petitioner/party-in-person.

3 It is seen that the petitioner has launched two prosecutions viz., C.C. Nos.1040 of 2015 and 645 of 2015 before the Metropolitan Magistrate (Fast Track Court-III) Saidapet,

Chennai for an offence under Section 138 of the Negotiable Instruments Act, 1881 (for brevity, "the NI Act") against one R. Srinivasan.

4 Admittedly, Srinivasan (accused) has not appeared before the Metropolitan Magistrate (Fast Track Court-III), Saidapet, Chennai, in both the cases. In the meantime, the NI Act was amended and Section 142-A has been included, whereby, the territorial jurisdiction for trial of cases under Section 138 of the NI Act has been fixed in relation to the bank of the complainant.

5 On account of this, the Metropolitan Magistrate (Fast Track Court-III), Saidapet, Chennai has transferred C.C. No.645 of 2015 and C.C. No.1040 of 2015 to the Court of Judicial Magistrate, Poonamallee.

6 In view of the above, this Court directs the Judicial Magistrate, Poonamallee to take the transferred cases on file and dispose the same expeditiously, at any rate, within a period of six months from the date of appearance of the accused, as mandated by Section 143 of the NI Act. The Judicial Magistrate, Poonamallee, is directed to follow the mandates of Section 144 of the NI Act for service of summons on the accused.

With the above direction, these petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

cad
To

- 1 The Metropolitan Magistrate (FTC-III) Saidapet
Chennai
- 2 The Judicial Magistrate, Poonamallee

+1 cc to Ms.S.Sumathi (party in person) sr.39084/16

CrI.O.P. Nos.8756 and 8757 of 2016

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