

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 16.11.2016****CORAM:****THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM****Cr1.O.P. (MD) .No.21732 of 2016**

P.Rajagopal

.. Petitioner

Vs.

V.Rathish

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct pass an order directing C.C.No.396 of 2015 on the file of the Learned Judicial Magistrate, Valliyoor, Tirunelveli District, to be conducted on day to day basis and concluded within a time frame as specified by this Honourable Court forthwith.

For Petitioner : Mr.S.Palani Velayutham

For respondent : Mr.P.Kannithevan

Government Advocate (Criminal side)

ORDER

This petition is filed to direct the learned Judicial Magistrate, Valliyoor, Tirunelveli District, to dispose of C.C.No.396 of 2015, in a time frame.

2. Mr.S.Palani Velayutham, learned counsel for the petitioner would submit that the cheque issued by the respondent for a sum of Rs.20,75,000/- was dishonoured and therefore the proceedings under Section 138 of Negotiable Instruments Act, was initiated against him. After complying all the formalities, the case was taken on file originally as C.C.No.204 of 2014 and thereafter it was transferred to the learned Judge, Fast Track Court, Nagercoil on jurisdictional ground and subsequently it was re-transferred to the Judicial Magistrate, Valliyoor, Tirunelveli District and re-numbered as C.C.No.396 of 2016.

3.The learned counsel for the petitioner would submit that the evidence in this case had commenced long back and in fact, the case was posted for judgment on 09.04.2016. Subsequently, the application in Cr.M.P.No.2957 of 2016, filed by the accused under Section 311 Cr.P.C., was allowed on 13.04.2016 and even



thereafter, he is not ready to cross-examine the witnesses and he has been unnecessarily dragging the proceedings which causes mental agony and hardship to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record.

5. Considering the submission made by the learned counsel for the petitioner, the learned Judicial Magistrate, Valliyoor, Tirunelveli District is directed to dispose of C.C.No.396 of 2016, as expeditiously as possible, preferably within a period of six months from the date of receipt of the copy of this order.

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

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Valliyoor,
Tirunelveli District.

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

+1cc to M/S.S.PALANIVELAYUTHAM ADVOCATE SR.No. 70113

PJL
RL-GSV-PM-SAR-3/09.12.2016-2P:4C

Crl.O.P(MD)No.21732 of 2016
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