



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD).Nos.5434 and 7323 of of 2016

1.Dr.S.Annvetha

.. Petitioner
in both Crl.O.Ps.

Vs.

1. Bharath Marketting,
Rep. By its Proprietor,
M.Ashikin,
S/o.M.F.Mohamed Sali,
26/1-104, Trivandrum Main Road,
Kalluvilai, Mulagumoodu Post,
Kanyakumari District.

2. M.Ashikin

.. Respondents
in both Crl.O.Ps.

PRAYER in Crl.O.P(MD)No.5434 of 2016: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Trial Court to dispose the S.T.C.No.98 of 2014, on the file of the learned Fast Track Judicial Magistrate NO.I, Nagercoil and complete the trial within the time that may be fixed by this Court.

PRAYER in Crl.O.P(MD)No.7323 of 2016: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Sessions Court to dispose the Revision Petition No.28 of 2015 against Crl.M.P (MD)No.8958 of 2015 in S.T.C.No.98 of 2014, on the file of the District and Sessions Judge at Nagercoil within the time that may be fixed by this Court.

For Petitioner : Mr.S.Sethuraman

ORDER

These petitions are filed by the complainant in a private complaint seeking direction for early disposal of STC.No.98 of 2014 pending on the file of the Fast Track (Judicial Magistrate No.I), Nagercoil.

2.Mr.S.Sethuraman, learned counsel for the petitioner would submit that in the private complaint filed by the petitioner in the



month of March, 2014, trial commenced on 01.07.2014. Subsequently, the accused without cross examining PW.1, filed a petition in Cr.M.P.No.4991 of 2014 for production of the income Tax returns of the complainant and the same was dismissed by the trial Court on 14.10.2015, which was also unsuccessfully challenged by the accused before this Court in Cr1.O.P.No.4236 of 2015.

3.It is further submitted that the accused filed another petition under Section 311 Cr.P.C., seeking permission to cross-examine P.W.1 and the said application was allowed. However, he has not cross-examined the witness. Therefore, the petition was closed and the case was posted for defense side evidence. While so, the accused filed third application under Section 91 Cr.P.C., on 12.08.2015, which was rightly dismissed on 26.10.2015. Feeling aggrieved by the order, the accused filed the Cr1.R.C.No.28 of 2015 before the District and District and Sessions Court, Nagercoil, Kanyakumari District.

4.The learned counsel for the petitioner would further submit that the accused is liable to pay more than 10 lakhs to the petitioner and he has been deliberately dragging on the proceedings, which causes mental agony and hardship to the petitioner.

5.Considering the above submissions, the District and Sessions Judge, Nagercoil, Kanyakumari is directed to dispose of the Cr.R.C.No.28 of 2015, within one month from the date of receipt of a copy of this order and the learned Fast Track Judicial Magistrate No.1, Nagercoil shall dispose of the S.T.C.No.98 of 2014 within two months therefrom.

6.With the above directions, these Criminal Original Petitions are allowed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District and Sessions Court,
Nagercoil, Kanyakumari District.
2. The Fast Track Judicial Magistrate NO.I,
Nagercoil.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 2 CC TO Mr.S.SETHURAMAN, ADVOCATE IN SR No. 57092, 57091

AM

TE/SS-2 : 24/10/2016 : 2P/6C

<https://hcservices.ecourts.gov.in/hcservices/>

Cr1.O.P. (MD) .Nos.5434 and 7323 of of 2016
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