



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Cr1.OP(MD) No.6296 of 2016

WEB COPY

Krithika

..Petitioner/Petitioner

Vs

Umamaheswari

.. Respondent/Accused

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Judicial Magistrate, Pudukottai to dispose of S.T.C.No.633 of 2015, on his file within a time frame as fixed by this Court.

For Petitioners

:Mr.V.Singan

O R D E R

This petition has been filed to direct the Judicial Magistrate, Pudukottai to dispose of S.T.C.No.633 of 2015, on his file within a time frame as fixed by this Court.

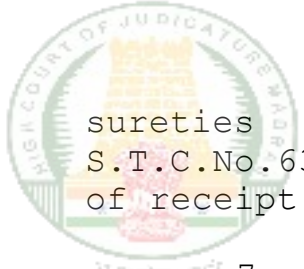
2. Heard the learned counsel for the petitioner.

3. This petitioner has filed a complaint in S.T.C.No.633 of 2015 before the Judicial Magistrate, Pudukkottai under Section 138 of Negotiable Act against the respondent/Accused.

4. On a reading of docket orders extracted from 19.06.2015 to 01.04.2016, it is seen that the petitioner has been examined by a proof affidavit on 21.08.2015, but the accused has not cross-examined the petitioner. Since the accused did not cross-examine the petitioner, the trial Court proceeded further to cross-examine the accused under Section 313 Cr.P.C. on 25.08.2015. Thereafter, the accused is continuously absent before the trial Court.

5. This Court is aware of the fact that in the trial for the offence under Section 138 of Negotiable Instruments Act, the accused will seldom cross-examine the witnesses on the day they are examined in chief, or after they have filed the proof affidavit. The accused took her own time to file an application under Section 311 Cr.P.C. to recall P.W.1 and cross-examine her.

6. Taking into consideration the fact that the accused has not appeared before the trial Court from 16.10.2015 to 01.04.2016, this Court directs the trial Court to obtain a bond under Section 88 Cr.P.C. from the accused for a sum of Rs.10,000/- with two



sureties each for a like sum and complete the trial in S.T.C.No.633 of 2015 within a period of six months from the date of receipt of a copy of this order.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

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To

The Judicial Magistrate, Pudukottai.

+1 cc to Mr.V.Singan, Advocate, SR No.22818

RG.SKS-RR/ 04/05/2016 2P/3C

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