

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2017

CORAM

THE HON'BLE MR.JUSTICE **A.D. JAGADISH CHANDIRA**

Crl.O.P.No.3073 of 2014

and

M.P. No. 1 of 2014

N.Arunagiri

... Petitioner/Accused

Vs

V.Ramakrishnan

... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C to call for the records and set aside the order dated 26.11.2013 made in C.M.P. No.2919 of 2013 in C.C. No.1292 of 2010 on the file of the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai.

For Petitioner : No representation.

For Respondent : K.M. Ramesh

WEB COPY
ORDER

This petition has been filed to set aside the order dated 26.11.2013 passed in C.M.P. No.2919 of 2013 in C.C. No.1292 of 2010 on the file of the

Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai.

2. When the Criminal Original Petition was taken up for hearing on 22.08.2017, there was no representation for the petitioner and hence, the matter was directed to be listed under the caption "for dismissal" on 24.08.2017. Thereafter, the matter is listed today under the caption "for dismissal". Even today, there is no representation for the petitioner.

3. The learned counsel for the respondent/complainant submitted that the defato complainant is a senior citizen, aged about 70 years and the case in C.C.No.1292 of 2010 has been pending from 2010. The learned counsel further submitted that the petitioner/accused had filed C.M.P.No.2919 of 2013 in C.C.No.1292 of 2010 seeking permission to examine the defence side witnesses at the stage when the main case was posted for the arguments of the petitioner/accused and that the witnesses sought to be examined were the counsel for the complainant, his wife, complainant's sister and the Manager, Tamil Nadu State Apex Co-operative Bank Limited, Shenoy Nagar, Chennai and that the petition was filed only with the sole object of protracting the case and that too it was purposely filed at the fag end of the trial when the matter was posted for arguments on the side of the petitioner/accused. It is seen that the trial Court after hearing the counsels had come to the conclusion that no useful purpose would be achieved by examining the counsel for the complainant and his wife and complainant's sister since they would not support the case of the

accused. But however, the learned Metropolitan Magistrate in the same petition, permitted the petitioner/accused to examine the third witness namely the Manager, Tamil Nadu Apex Co-operative Bank Limited, Shenoy Nagar, Chennai. It is that order in C.M.P.No.2919 of 2013 which has been challenged in this Criminal Original Petition.

4. As rightly held by the trial Judge, the counsel for the complainant and his wife and complainant's sister are not necessary parties since they would not support the case of the petitioner/accused. The order passed by the trial court needs no interference. As rightly stated by the counsel for the respondent/complainant the petitioner/accused had filed the said petition at a belated stage, only to protract the proceedings. It was contended by the counsel for the respondent/complainant that the complainant is a senior citizen and that the case is pending on the file of the trial court from the year 2010 and prayed that a direction may be issued to the trial Judge to dispose of the C.C.No.1292 of 2010 as expeditiously as possible.

5. Taking into consideration the above submissions made by the learned counsel for the respondent that the defacto complainant is a senior citizen and the case is pending from 2010 itself and also considering the fact that the orders have been passed permitting the petitioner/accused to examine the Manager of the Tamil Nadu Apex Co-operative Bank Limited, Shenoy Nagar, Chennai, as

defence witness, this Court issues the following direction:- The

A.D.JAGADISH CHANDIRA, J

petitioner/accused is directed to take steps immediately to examine the Manager of the Tamil Nadu Apex Co-operative Bank Limited, Shenoy Nagar, Chennai, within a period of six weeks and the Metropolitan Magistrate, Chennai is directed to complete the proceedings within a further period of six weeks and in toto to complete the proceedings and pass final orders within a period of three months from the date of receipt of copy of this order.

6. With the above direction, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is also closed.

24.08.2017

rkp/gr
Index : Yes
Internet: Yes

To

Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai.

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