

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.4719 of 2017

P.Krishnamoorthy

... Petitioner

Vs

B.Manoj

Prop. Tata Tours & Travels

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate No.I, Erode to dispose of the complaint in STC No.1373 of 2010 in accordance with law, within the time frame fixed by this Court.

For Petitioner : Mr.D.Gopal

ORDER

This Criminal Original Petition has been filed seeking a direction to the learned Judicial Magistrate No.I, Erode to dispose of the complaint in STC No.1373 of 2010 in accordance with law, within the time frame fixed by this Court.

2. The case of the petitioner is that as against the respondent herein, the petitioner has filed a complaint before the learned Judicial Magistrate No.I, Erode for the offences punishable under Sections 138 and 142 of the Negotiable Instruments Act. The said complaint was taken on file as STC No.1373 of 2010. Subsequently, summons was issued and the respondent entered appearance. Thereafter, trial has commenced, during the course of which, the petitioner examined himself as PW1 and he marked five documents as exhibits on his side. Three witnesses were examined on the defence side. Even thereafter, the respondent is protracting the case by getting unnecessary adjournments for production of certain witnesses. Hence, this petition.

3. Learned counsel for the petitioner submitted that without any reason, the respondent is dragging the matter endlessly,

which is nothing but an abuse of process of law. Learned counsel for the petitioner further submitted that the right to have speedy trial is a fundamental right enshrined under Article 21 of the Constitution of India. Therefore, he prayed for a direction to the learned Magistrate to dispose of the case.

4. Considering the facts and circumstances of the case and also taking note of the fact that the case is pending from the year 2010, this Court directs the learned Judicial Magistrate No.I, Erode to dispose of the case in STC No.1373 of 2010 on merits and in accordance with law, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rk

To

The Judicial Magistrate No.I,
Erode.

+1cc to Mr.Gopal, Advocate, S.R.No.15518

Cr1.O.P.No.4719 of 2017

SK(CO)
RS(04/04/2017)

सत्यमेव जयते

WEB COPY