



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.(MD) No.23325 of 2016

Karuppasamy Devar

... Petitioner/Complainant

-vs-

1. M/s.Nila Indane Gas Agency,
No.107/H2, Vincent Nagar,
Kalugumalai, Kovilpatti Taluk,
Thoothukudi District,
Through its Proprietor D.Thangaraj

2. D.Thangaraj

... Respondents/Accused

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Fast Track Court (Magistrate Level) Kovilpatti to dispose of C.C.No.60 of 2014 within a time frame fixed.

For Petitioner : Mr.V.Angusamy
For Respondents : Mr.T.Selvan

O R D E R

This petition has been filed to direct the Fast Track Court (Magisterial Level), Kovilpatti to dispose of C.C.No.60 of 2014

2. The petitioner has filed C.C.No.60 of 2014 against the respondents herein for an offence under Section 138 of N.I.Act and the case is now pending on the file of the learned Fast Track Court (Magisterial Level), Kovilpatti. The complainant was examined in chief on 04.05.2016 and thereafter, he was not cross examined by the learned counsel for the accused, instead he has been taking adjournment from 05.07.2016 onwards and in the meantime, on 07.10.2016, the accused had filed a discharge application, which was returned by the Magistrate and thereafter, according to the respondents, the same was not re-presented. Under such circumstances, the complainant is before this Court for a direction to the Trial Court to complete the trial in a time-bound manner.

<https://hcservices.ecourts.gov.in/hcservices/> the learned counsel for the petitioner and the learned counsel for the respondents/accused.



4. In Vinod Kumar vs. State of Punjab reported in 2015 (1) Scale 542, the Hon'ble Supreme Court issued a direction to all the Trial Courts that the witness should be cross examined on the same date he is examined in chief. In this case, P.W.1 was examined in chief on 04.05.2016 and till date, the accused has not cross examined P.W.1. In the meantime, the accused has filed a discharge application, which has been rightly returned by the Trial Court, because a discharge application cannot be filed in the middle of the trial, that too, in a summon's case.

5. Therefore, this Court directs the Trial Court to complete the trial in C.C.No.60 of 2014 within six months from the date of receipt of a copy of this order. The 2nd accused shall furnish a bond under Section 88 Cr.P.C. without sureties to the satisfaction of the Magistrate.

6. With the above direction, this petition is ordered accordingly.

7. It is seen that on 08.02.2017, this Court called for a report from the learned Fast Track Court (Magisterial Level), Kovilpatti as to the delay in conducting trial inspite of examination of P.W.1, pursuant to which, he has submitted a report dated 14.02.2017 to this Court and this Court is satisfied with the explanation offered by the Magistrate.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

The Judicial Magistrate,
The Fast Track Court (Magistrate Level),
Kovilpatti.

+1 cc to Mr.V.Angusamy, Advocate, SR.No.13505

+1 cc to Mr.T.Selvan, Advocate, SR.No.13800

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