



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.(MD)No.3197 of 2011
and
M.P.(MD)No.1 of 2011

Siva Elango ... Petitioner/Accused

Vs.

Mariappan ... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to S.T.C.No.740 of 2010 on the file of Judicial Magistrate Court, Cheranmahadevi and quash the same.

For Petitioner : Mr.Siva for Mr.A.Arumugam

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed to quash S.T.C.No.740 of 2010, pending on the file of the learned Judicial Magistrate Court, Cheranmahadevi. Wherein the respondent/defacto complainant gave a complaint against the petitioner under Section 138 r/w 142 of Negotiable Instruments Act. In an earlier occasion, the learned counsel for the petitioner discharged his application before the lower Court under Section 245(2) Cr.P.C. Wherein the lower Court rejected his prayer in Cr.M.P.No.5876 of 2010 in S.T.C.No.740 of 2010 on the file of the District Munsif cum Judicial Magistrate Court, Cheranmahadevi, dated 29.01.2011, Wherein the lower Court specifically made averments in the order as follows:

"The said application was dismissed. Without challenging the earlier order passed by the lower Court, however the petition is filed under Section 482 Cr.P.C, on the very same ground, which was already raised by the lower Court."

2.Though the learned counsel for the petitioner raised several grounds for quashing the S.T.C.No.740 of 2010, he submitted that it would suffice if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and also to permit the petitioner to raise all the



grounds raised in this petition before the trial Court.

3. In the light of the above said submission of the learned counsel for the petitioner, this Court without going into the merits of the case, directs the learned Judicial Magistrate, Cheranmahadevi, to complete the trial in S.T.C.No.740 of 2010, within a period of six months from the date of receipt of a copy of this order and the personal appearance of the petitioners is dispensed with unless the learned Magistrate feels that their presence is required for disposal of the case.

With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RECORD)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,
Cheranmahadevi.

+1cc to M/s. A.ARUMUGAM Advocate in SR. No. 84339

VSA/RMI

JS/MR.KKR/SAR.1/10.11.2017/2P-3C

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