

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL RC No.947 of 2018
and
CRL.M.P.No.10941 of 2018

M.Shajathi

... Petitioner

Vs.

1.K.Rajendran
2.M.Jabbarulla

... Respondents

Criminal Revision petition has been filed under Sections 397 r/w Section 401 of the Code of Criminal Procedure, to set aside the order dated 27.07.2018 passed in C.M.P.No.425/2018 in S.T.C.No.721/2017 on the file of Judicial Magistrate No.I, Tirupattur, Vellore-District.

For Petitioner : Mr.D.Balachandran

O R D E R

This Criminal Revision has been filed by the petitioner challenging the order dated 27.07.2018 in C.M.P.No.525/2018 in S.T.C.No.721/2017, wherein and whereby the learned Judicial Magistrate No.1, Tirupattur, Vellore District, refused to discharge the petitioner/A2 u/s 245(2) of Cr.P.C., from the said case.

2.It is stated that the the petitioner and the 2nd respondent herein are the mother and son respectively. The 1st respondent has filed a complaint against the 2nd respondent and the petitioner under Section 138 r/w 142 of Negotiable Instruments Act, alleging that the 2nd respondent had borrowed a sum of Rs.2 lakhs from and subsequently, to discharge the loan, he issued a cheque; but, when presentation, the said cheque was returned with an endorsement 'signature differs'. The said complaint was taken on filed as S.T.C.No.721/2017 on the file of the learned Judicial Magistrate No.I, Tirupattur, Vellore District. The petitioner filed a petition under Section 245(2) of Cr.P.C., seeking to discharge her from the case, but the same was dismissed by the Court below. Challenging the same, the present revision has been filed by the petitioner.

3.Though the present revision has been filed seeking for a larger relief, when the matter is taken up today, the learned counsel for the petitioner submitted that if a direction is issued to the court below to dispose of the main case within a time frame, with a liberty to the petitioner to raise all her defence, it would suffice.

4.Considering the facts and circumstances of the case and the limited prayer sought for by the learned counsel for the petitioner, without going into the merits of the case, this Court directs the Court below to complete the trial and dispose of the main case in S.T.C.No.721 of 2017, within a period of six months from the date of receipt of a copy of this order. Further, considering the age of the petitioner, who is aged 52 years, her appearance before the Trial Court is dispensed with for the present. However, it is made clear that this order will not stand on the way of Trial Court to insist the petitioner to appear, if necessary, for the purpose of disposal of the case.

With the above terms, this Criminal Revision case is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate No.I, Tirupattur,
Vellore-District.

+1cc to Mr.Mr.D.Balachandran , Advocate, S.R.No.57140

CRL RC No.947 of 2018

and

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NRL(CO)
NR 26/09/2018

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