

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2018

CORAM:

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

CrI.O.P. No.11371 of 2018

N. Rajiv Naidu

... Petitioner

vs.

- 1 Landmark Housing Projects
represented by its Managing Director
P. Udhayakumar
No.27, Saravana Street
T. Nagar
Chennai 600 017
 - 2 P. Udhayakumar (Managing Director)
Landmark Housing Projects Chennai Pvt. Ltd.
No.27, Saravana Street
T. Nagar
Chennai 600 017
 - 3 Bhuvaneshwari Udayakumar
Director (In-charge & Affairs)
Landmark Housing Projects
No.27 Saravana Street
T. Nagar
Chennai 600 017
- ... Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to direct the Metropolitan Magistrate (Fast Track Court - III), Saidapet, Chennai - 15, to strictly follow the directions of the Supreme Court in the Indian Bank Association vs. Union of India [(2014) 5 SCC 590].

For petitioner Mr. Nithyaesh Natraj

ORDER

This Criminal Original Petition has been preferred seeking to direct the Metropolitan Magistrate (Fast Track Court - III), Saidapet, Chennai-15, to strictly follow the directions of the Supreme Court in the Indian Bank Association vs. Union of India [(2014) 5 SCC 590].

2 For the sake of convenience, the petitioner and the respondent will be referred to as the complainant and the accused respectively.

3 The complainant initiated a prosecution against the accused under Section 138 of the Negotiable Instruments Act, 1881 (for brevity "the NI Act") and the same is now pending on the file of the Metropolitan Magistrate Court (Fast Track Court No.III), Saidapet, Chennai - 15 in C.C. No.121 of 2018. While so, the complainant has preferred the present petition seeking the aforestated relief.

4 Albeit notice has been served on the accused, there is no appearance for them.

5 Heard Mr. Nithyaesh Natraj, learned counsel for the complainant, who submitted that the Trial Court is required to follow the law laid down by the Supreme Court in Indian Bank Association (supra) and Meters and Instruments Pvt. Ltd. and another vs. Kanchan Mehta [(2018) 1 SCC 560].

6 It is true that the statute mandates that a prosecution under Section 138 of the NI Act should be completed within a period of six months. However, this Court cannot be oblivious of the fact that there are practical difficulties at the Magisterial level in adhering to the time schedule in view of the burgeoning cases under Section 138, *ibid*.

7 Be that as it may, the case is now posted to 25.07.2018. On their appearance, the accused are directed to file an application under Section 436 Cr.P.C. seeking bail and the Trial Court is directed to release them on bail on the same day on they executing a bond for Rs.10,000/- each with two sureties (common sureties). Thereafter, the Trial Court shall complete the case within a period of six months.

With the above direction, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

To

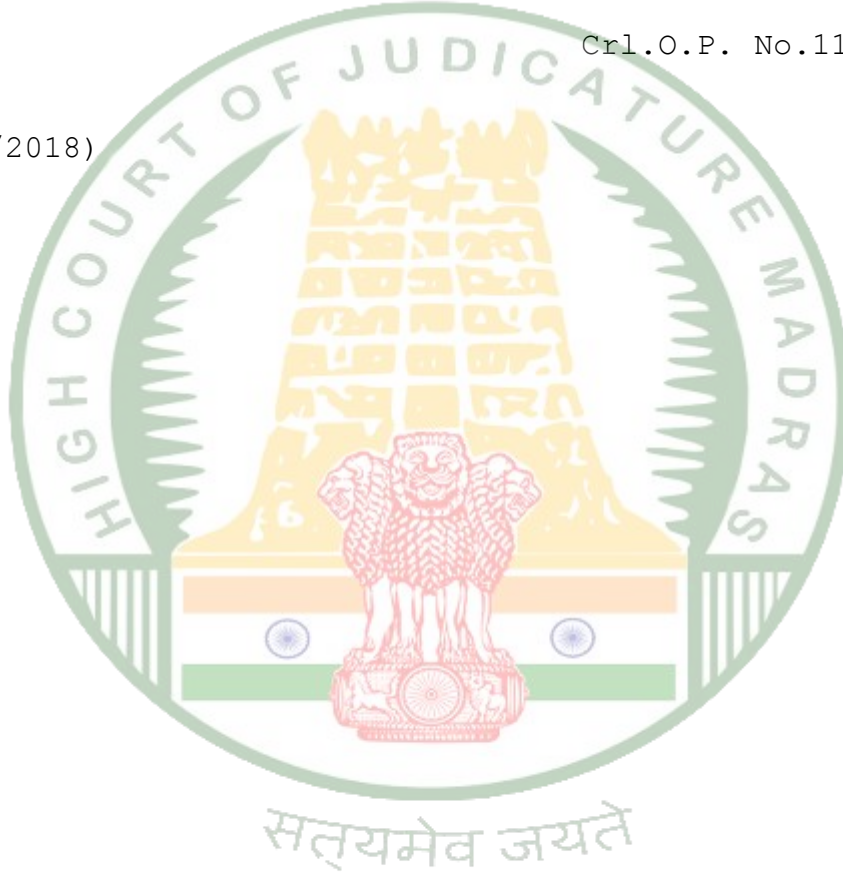
1 The Metropolitan Magistrate
(Fast Track Court - III)
Saidapet
Chennai 600 015

2 The Public Prosecutor
Madras High Court
Chennai - 600 104

+2cc to Mr.Nithyaesh, Advocate, S.R.No.34946

Cr1.O.P. No.11371 of 2018

GSP(07/06/2018)



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