

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018

CORAM:

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

Crl.O.P. No.11658 of 2018

T.Nagaraj

.. Petitioner

vs.

L.Praveenadevi

.. Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. to direct the learned Judicial Magistrate, Udhagamandalam, The Nilgiris to expedite the trial in STC No.1067 of 2015 and complete the same within a stipulated time.

For petitioner Mr.J.Bharathi Raja

For Respondent Mr.C.Raghavan

Government Advocate [Crl.Side]

ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Udhagamandalam, The Nilgiris to expedite the trial in STC No.1067 of 2015 and complete the same within a stipulated time.

2. The petitioner has initiated a prosecution in STC No.1067 of 2014 before the Judicial Magistrate, Udhagamandalam, under Section 138 of the Negotiable Instruments Act, against the respondent herein. It is the grievance of the petitioner that, the trial is not getting concluded on account of the dilatory tactics adopted by the accused and therefore, he is before this Court for a direction to the trial Court to complete the trial in a time bound manner.

3. On the directions of this Court, the learned Judicial Magistrate, Udhagamandalam, has sent a report dated 28.04.2018, wherein, he has stated as follows:

"The accused was examined u/s 313(1)(b) of Cr.P.C. in respect of incriminating evidence against her on 16.08.2017. The accused was denied the evidence available against her and reported she has oral evidence. Thereafter, sufficient time was given upto 18.12.2017 to adduce evidence on side of defence. Since the

accused not adduced any evidence, the same was closed posted for argument on 02.01.2018. While being so, the case is pending for defence side argument, eventually on 22.02.2018, the accused was come with application U/s 311 of Cr.P.C. in CMP 1177/2018 to recall the P.W.1 and the same was allowed on 19.03.2018, consequently PW.1 was subjected to cross examined in full on 26.04.2018 against the case is posted for argument on 10.05.2018."

4. In view of the above, this Court directs the trial Court to obtain a bond under Section 88 Cr.P.C. from the respondent for Rs.5,000/- without sureties. The trial Court shall complete the trial within a period of three months from the date of receipt of a copy of this order. If the accused absconds, the trial Court shall direct registration of an FIR against him under Section 229-A IPC.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gms
To

1. The Judicial Magistrate,
Udhagamandalam,
The Nilgiris .

2.The Public Prosecutor
High Court, Chennai.

+1cc to Mr.J.Bharathi Raja, Advocate sr.no.39802

Ctrl.O.P. No.11658 of 2018

vba(co)
nr 09/07/2018