

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

CrI.OP.No.2349 of 2018

Gopinath

.. Petitioner

Vs

Satheeshkumar

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying set aside the order dated 04.12.2017, passed by the learned Judicial Magistrate (Fast Track), Tiruchengode in S.T.C.No.40 of 2013 and consequently to direct the learned Magistrate to restore the above summary trial case on file and try the case as per the procedure.

For Petitioner : M/s.Dass and Viswa Associates
For Respondent : No Appearance

O R D E R

The petition has been filed to set aside the order dated 04.12.2017, passed by the learned Judicial Magistrate (Fast Track), Tiruchengode in S.T.C.No.40 of 2013 and consequently to direct the learned Magistrate to restore the above summary trial case on file and try the case as per the procedure.

2 From the adjudication orders, it is seen that the complainant was present on the two earlier occasions i.e. on 04.11.2017 & 21.11.2017. Subsequently, when he was absent on 04.12.2017, his complaint came to be dismissed under Section 256 of Cr.P.C. The bailable warrant issued prior to this, as against the respondent/accused, was also pending for three years. There is no justification on the part of the trial Court to dismiss the complaint for non appearance for one hearing on 04.12.2017. Apparently when the complainant was present for the last two hearings and warrant issued against the accused is also pending, without being executed, I am of the view, that a lenient view can be taken under these circumstances.

3 Accordingly, the order dated 04.12.2017 in S.T.C.No.40 of 2013, passed by the learned Judicial Magistrate (Fast Track), Tiruchengode, is set aside. Consequently the learned Judicial magistrate (Fast Track), Tiruchengode, is directed to take the complaint in S.T.C.No.40 of 2013, on file and dispose of the same as expeditiously as possible. This criminal original petition is ordered accordingly.

Sd/-
Assistant Registrar (CS-IX)

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Sub Assistant Registrar

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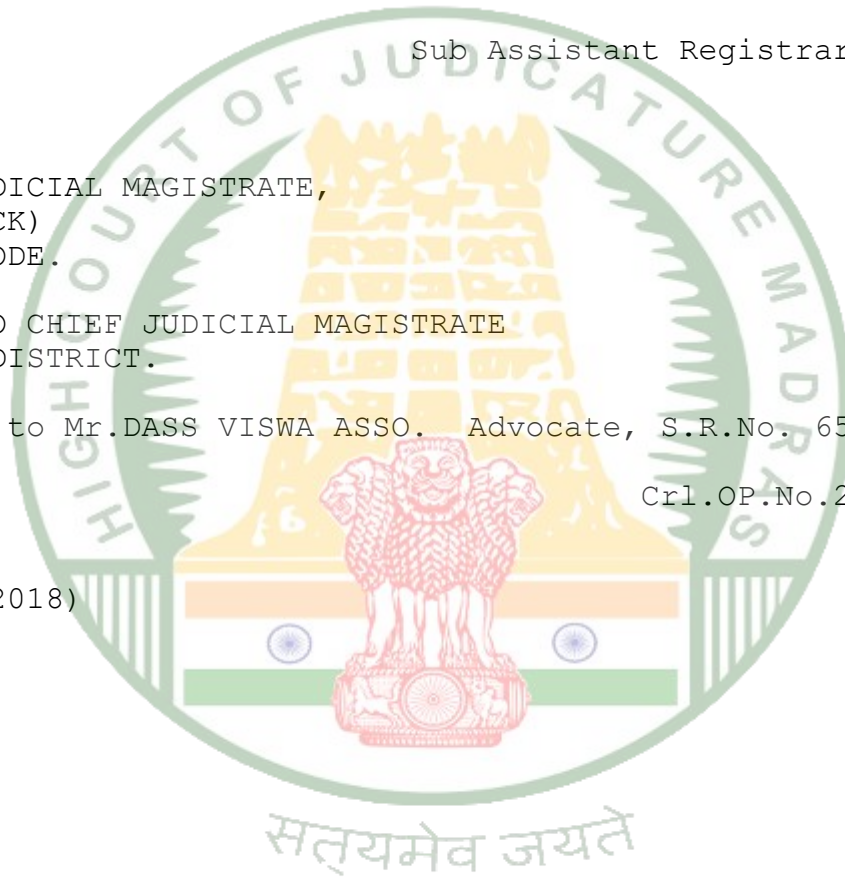
1. THE JUDICIAL MAGISTRATE,
(FAST TRACK)
TIRUCHENGODE.

2. DO THRO CHIEF JUDICIAL MAGISTRATE
NAMAkkAL DISTRICT.

+1cc to Mr.DASS VISWA ASSO. Advocate, S.R.No. 6501

Cr1.OP.No.2349 of 2018

MG (CO)
TR(15/02/2018)



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