

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.24400 of 2018
and CRL.M.P.No.13863 of 2018

Baskar ... Petitioner
Vs

T.Kandasamy ... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C. praying to transfer the Case in C.C.No.193 of 2016 on the file of Judicial Magistrate, (Fast Track Level) Kallakurichi to the Judicial Magistrate, (Fast Track Level), Attur, Salem District.

For Petitioner : Mr.S.Silambu Selvan

O R D E R

The Petitioner is facing trial before the Judicial Magistrate, Fast Track Level, Kallakurichi in C.C.No.193 of 2016 under Section 138 of the Negotiable Instruments Act. While so, the petitioner has filed present transfer application, on the ground that the petitioner and the complainant are residents of Attur in Salem District and that, the petitioner who is aged about 62 years, is finding it very difficult to appear before the trial Court for all the hearings.

2.Heard the learned counsel for the petitioner and perused the materials placed on record.

3.In the opinion of this Court, this cannot be a good reason for transfer of the case. However, since the case is of the year 2016, interest of justice will be served, if a direction is issued to the trial Court to complete the trial within a time frame. Accordingly, this Court directs the trial Court to complete trial in C.C.No.193 of 2016 within three months from the date of receipt of a copy of this order, provided the accused cooperates by cross-examining the witnesses, on the day they are examined in-chief and producing defence witnesses if required, expeditiously. The Trial Court may liberally consider the petition filed on behalf of the petitioner under Section 317 Cr.P.C, provided an undertaking is given that the witness should be cross-examined in the absence of the petitioner and that, the petitioner will not dispute his identity nor adopt dilatory tactics.

With the above directions this petition closed. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

dua

To

1.Judicial Magistrate, Fast Track Level,
Kallakurichi.

2.Judicial Magistrate, Fast Track Level,
Attur, Salem District.

+1cc to Mr.S.Silambu Selvan, Advocate sr.no.71770

CRL.O.P.No.24400 of 2018

rsv(co)
nr 01/11/2018



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