



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.1378 of 2018

M.A.M.Farook

... Petitioner/Complainant

-vs-

M.Rajamansing

... Respondent/Accused

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to pass on order to expedite the trial in S.T.C.No.119 of 2016 on the file of the Judicial Magistrate (Fast Track Court)No.I, Nagercoil to dispose the case within a stipulated time as fixed by this Court.

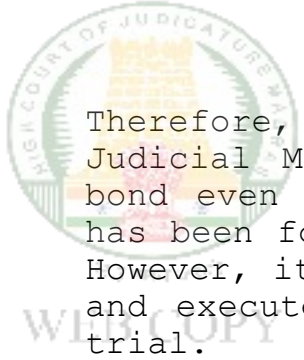
For Petitioner : Mr.S.Sankar

ORDER

This Criminal Original Petition has been filed by the petitioner, to direct the learned Judicial Magistrate (Fast Track Court) No.I, Nagercoil, to dispose of the case in S.T.C.No.119 of 2016, within a time that may be stipulated by this Court.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is the complainant and he has filed a private complaint, under Section 138 of the Negotiable Instrument Act and the same has been taken on file in S.T.C.No.119 of 2016, on the file of the learned Judicial Magistrate (Fast Track Court) No.I, Nagercoil. He further submitted that though the accused appeared before the Trial Court on 25.07.2016 itself, the learned Judicial Magistrate is adjourning the case without commencing trial. The learned Judicial Magistrate is keeping the case for nearly one and half years and hence he requested this Court to give suitable directions to the concerned Judicial Magistrate for early disposal of the aforesaid case.

3.A perusal of the Diary Extract produced by the petitioner shows that the case was pending for more than one and half years for executing a bond by the accused. As per Section 88 of Cr.P.C., when any person for whose appearance or arrest the Officer presiding in any Court is empowered to issue a summons or warrant, is present in such Court, such Officer may require such person to execute a bond, with or without sureties, for his appearance in such Court or any other Court to which the case may be transferred for trial.



Therefore, in order to avoid unnecessary adjournment the learned Judicial Magistrate could have directed the accused to execute a bond even without sureties for his appearance. If that procedure has been followed, he would have disposed of the said case at early. However, it appears that finally the accused has produced one surety and executed a bond on 21.12.2017 and now the case is posted for trial.

4. Therefore, the learned Judicial Magistrate is directed to dispose of the aforesaid case at early preferably within four months keeping in mind that the case itself taken on file as summary trial case.

5. With the aforesaid observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (Crl. side)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,
(Fast Track Court) No.I,
Nagercoil.

+1cc to M/S.S.Sankar, Advocate SR.No. 45128

CRL.O.P. (MD) No. 1378 of 2018
30.01.2018

SSS

JM/KK/SAR 2/07.03.2018/2P/3C