



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2018

CORAM:

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.(MD).No.5668 of 2014
and
M.P.(MD) No.1 of 2014

Victor Samraj Duraisingh

.. Petitioner

Vs.

Francis Kumar

.. Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order made in Cr.M.P.No.1222 of 2014 in C.C.No.546 of 2012 on the file of the Judicial Magistrate, Fast Track Court at Magistrate Level, Thoothukudi dated 28.02.2014.

For Petitioner : Mr.R.Vijayakumar
For Respondent : Mr.R.Anand

ORDER

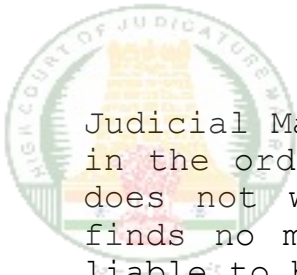
This petition is filed to set aside the order dated 28.02.2014 made in Cr.M.P.No.1222 of 2014 in C.C.No.546 of 2012 on the file of the Judicial Magistrate, Fast Track Court at Magistrate Level, Thoothukudi.

2.The learned counsel appearing for the petitioner would submit that the respondent has filed the petitioner under Section 311 of Cr.P.C. only to protract the proceedings. Earlier the respondent filed a petition under Section 326(3) for denova trial and the same was allowed, on which, the petitioner filed CrI.R.C.No.705 of 2013 and the same was allowed by this Court on 20.12.2013, Therefore, the respondent has filed the petitioner under Section 311 of Cr.P.C., which is nothing but to drag on the proceedings and the learned Judicial Magistrate, without considering the said fact, allowed the same and hence, he prayed to set aside the said order.

3.Heard the learned counsel appearing for the respondent also.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Considering the facts and circumstances of the case and also perusal of the order dated 28.02.2014 passed by the learned



Judicial Magistrate, this Court finds no illegality and irregularity in the order passed by the learned Judicial Magistrate and the same does not warrant any interference from this Court and this Court finds no merit in this criminal original petition and the same is liable to be dismissed.

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5. In view of the above, this criminal original petition is dismissed. However, since the case is of the year 2012, the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Thoothukudi is directed to conclude the trial and dispose of the case in C.C.No.546 of 2012, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Judicial Magistrate,
Fast Track Court at Magistrate Level,
Thoothukudi.

+ 1 CC TO Mr.R.VIJAYAKUMAR, ADVOCATE IN SR No. 82680

ARUL
TE/SKN/SAR-1 : 27/09/2018 : 2P/3C

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M.P. (MD) No.1 of 2014
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