



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD).No.16060 of 2016

D.Stephen Raj ..Petitioner/ Petitioner/Complainant

Vs.

P.Jeyakumar ... Respondent/Respondent/ Accused

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to set aside the order dated 18.02.2016 passed by the Learned III Additional District Judge Tiruchirappalli in Cr1. R.C NO. 41 of 2015 confirming the order dated 09.06.2015 passed by the Learned Judicial Magistrate NO.IV Tiruchirappalli in STC No. 2322 of 2011.

For Petitioner :Mr.P.Sivachandran

For Respondent :Mr.A.Thiruvadikumar

O R D E R

This petition has been filed challenging the order of the learned III Additional District Judge, Trichirappalli Cr.R.C.No.41 of 2015 confirming the order dated 09.06.2015 passed by the learned Judicial Magistrate IV, Trichirappalli in S.T.C.No.2322 of 2011.

2.Heard learned counsel for the petitioner and learned counsel for the respondent.

3.It is seen from the records that the petitioner filed a complaint under Section 138 of the Negotiable Instruments Act, in the year 2011.

4.Since the complaint was not prosecuted deligently, the learned Magistrate has dismissed the complaint by an order, dated 09.06.2015. In the said order, the learned Magistrate had cited that the complainant was not present in the Court for more than five years. Therefore, the complaint was closed.



5.The petitioner filed a revision before the appellate Court. The appellate Court on consideration of the facts and circumstances of the case, found that the petitioner did not diligently follow up the case. The learned Additional District Judge also found that the petitioner has not challenged the order, dated 02.12.2011 passed by the Chief Judicial Magistrate, transferring the case to the Judicial Magistrate, Trichirappalli.

6.In view of the above, this Court does not find any illegality or infirmity in the order passed by both the Courts below. The cheque amount in this case is Rs.15,000/- and the case cannot be kept pending endlessly without any progress. This Court finds that the decision taken by the Courts below is perfectly correct.

7.Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS-I)

To

- 1.The III Additional District Judge
Tiruchirappalli.
- 2.The Judicial Magistrate No.IV
Tiruchirappalli.
- 3.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1 CC To MR.S.ALAGUSUNDAR, Advocate SR. NO. 83008

+1 CC To MR.A.THIRUVADI KUMAR, Advocate SR. NO. 82761

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TR/SV/SAR-I(03.10.2018)2P 7C