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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.19438 of 2018

and

Crl.M.P. (MD) Nos.8824 and 8825 of 2018

Leema Rose

... Petitioner

Vs

Pushpam

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, directing the learned Judicial Magistrate, Thirumangalam to hand over the case bundle in S.T.C. No.738 of 2015 to the respondent herein so as to produce the same before the Court of the Judicial Magistrate (Fast Track Court No.I), Nagercoil on the basis of the dictum laid down by this Honble Court in 2015 (3) MLJ (Crl) 248 Murugesan -vs- T.K.Ramasamy following the judgement of the Honble Supreme Court reported in 2014 (3) MLJ (crl) 475-Dashrath Rupsingh Rathod -vs- State of Maharashtra and another.

For Petitioner

: Mr.M.Suri

ORDER

This criminal original petition has been filed to direct the learned Judicial Magistrate, Thirumangalam to hand over the case bundle in S.T.C. No.738 of 2015 to the respondent so as to produce the same before the Court of the Judicial Magistrate (Fast Track Court No.I), Nagercoil.

2.The learned counsel for the petitioner would submit that the trial was conducted and the same has been closed before the learned Judicial Magistrate, (Fast Track Court No.I), Nagercoil and the case was at the stage of questioning under Section 313 Cr.P.C.,

3.The learned counsel for the petitioner further would submit that in view of the amendment and the renumbering of Section 142 as 142 (A), of the Negotiable Instruments Act, the case was transferred to the file of the Judicial Magistrate Court, Thirumangalam.

4.According to the learned counsel, the case was transferred to the Judicial Magistrate Court, Thirumangalam, and was renumbered as S.T.C.No.738 of 2015 on 14.07.2017. Thereafter, there has been absolutely no progress in the case.

5.The case has already reached the stage of questioning under Section 313 Cr.P.C., Therefore, there is no need for the Court below to keep the case pending for such a long time. Therefore, there shall be a direction to the learned Judicial Magistrate, Thirumangalam, to complete the proceedings in S.T.C.No.738 of 2015 within a period of two months from the date of receipt of copy of



this order.

6. This Criminal Original Petition is disposed of with the above direction. Consequently, the connected miscellaneous petitions are closed.

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/True copy/

Sd/
Assistant Registrar (Records)

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate,
Thirumangalam.

2. The Judicial Magistrate,
Fast Track Court No. I,
Nagercoil.

+1cc to Mr. M. SURI, Advocate, SR.No.93427

CRL.O.P. (MD) No.19438 of 2018

MM

KK/RSK/SAR-3/12.12.2018/2P-4C