

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8747 of 2019

N.R.Senthilkumar

... Petitioner

Vs

P.T.Moideen @ Moidu

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned District and Sessions Court, The Nilgiris at Udhagamandalam, to expedite the appeal in Crl.A.No.65 of 2018 and dispose of the same within a stipulated time as may be fixed by this Hon'ble Court.

For Petitioner : Mr.J.Bharathiraja

O R D E R

This Criminal Original Petition has been filed to direct the learned District and Sessions Court, The Nilgiris at Udhagamandalam, to expedite the appeal in Crl.A.No.65 of 2018 and dispose of the same within a stipulated time as may be fixed by this Hon'ble Court.

2.Heard the learned counsel for the petitioner.

3.The petitioner has filed a private complaint under Section 138 of Negotiable Instrument Act against the respondent before the learned Judicial Magistrate Court at Ootacamund, The Nilgiris in the year 2013 in STC No.848 of 2013. The amount borrowed by the respondent was a sum of Rs.2,00,000/- from the petitioner as hand loan and while repaying the said amount, the respondent issued a cheque for a sum of Rs.2,00,000/- and it was presented by the petitioner for collection the same was returned by the banker of the petitioner on the ground that there was no sufficient funds in the account of the respondent. After the full fledged trial the learned Judicial Magistrate, Ootacamund by the Judgment dated 11.09.2018, convicted the respondent under Section 138 of NI Act and ordered to undergo six months simple imprisonment and also to pay a compensation within one month from the date of the Judgment. In default, the respondent is ordered to undergo one month simple imprisonment. The

respondent has filed the appeal challenging the Judgment convicting him before the District and Sessions Judge, Udhagamandalam in CrI.A.No.65 of 2018 and the same is pending for arguments. On notice the petitioner appeared before the Court through his counsel. Twice the appeal was referred to National Lok Adalath, but was not settled by the petitioner. It is submitted that before the trial Court the respondent had been dragging on the matter for nearly 5 years and ultimately the trial Court delivered its Judgment on 11.09.2018. After 5 years the trial Court delivered its Judgment. In the appeal also the respondent is going on dragging the matter without arguing the same. Hence, the petitioner filed this criminal original petition.

4.Considering the facts and circumstances of the case, this Court directs the learned District and Sessions Court, The Nilgiris at Udhagamandalam. to complete the trial in CrI.A.No.65 of 2018 within a period of three months from the date of the receipt of a copy of this Order.

5.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rna

To

The District and Sessions Court,
The Nilgiris at Udhagamandalam.

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CrI.O.P.No.8747 of 2019

PM(CO)
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