

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8299 of 2019

Express Service Stations
Represented by its Managing Partner
M.Suresh Babu
No.N-18 SIDCO Industrial Estate
Zuzuvadi, Hosur - 635 126,
Krishnagiri District. Petitioner /Complainant

Vs

- 1.M/s.B.Vinaykumar Enterprises,
Represented by Proprietor,
Mr.B.Vinay Kumar,
Sri Veerabhadra Swamy Nilaya,
579 - IIND division,
Behind KEB Sajipura Road,
Attibele, Bangalore - 562 107.
- 2.Mr.B.Vinay Kumar,
Proprietor, B.Vinay Kumar Enterprises
Sri Veerabhadra Swamy Nilaya,
579 - IIND division,
Behind KEB Sajipura Road,
Attibele, Bangalore - 562 107.

... Respondents/Accused

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Judicial Magistrate, Fast Track Court, Hosur to dispose the summary trial case in 74 of 2018 within time stipulated by this Hon'ble Court.

For Petitioner : Mr.K.Krishna

O R D E R

This Criminal Original Petition has been filed to to direct the Judicial Magistrate, Fast Track Court, Hosur to dispose the summary trial case in 74 of 2018 within time frame.

2.Heard the learned counsel for the petitioner.

3.The petitioner is a working partner in Express Service Station, a petrol Bunk of Indian Oil Corporation, where the petitioner is bound to procure petrol and Diesel on advance payment only. The respondent is a vendor who bought diesel for his vehicles and did not paid the legally enforceable debt of Rs.37,50,000/- (Rupees Thirty Seven lakhs fifty thousand only) for which the petitioner is paying interest to the bank and also due to locked up principle, it is very hard for the petitioner to run the petrol bunk and hence this summary trial case of cheque dishonoured case filed under Section 138 of Negotiable Instrument Act. The pendency of the case without any process for the past one year is against law and unsustainable. The Court below has failed to see that even the summary trial case was filed in 18.04.2018 and past one year no steps has been taken by Court below is against law and unsustainable. The Court below has failed to see that the Court adjourned the matter so many times without any proper reasons. Hence, the petitioner filed this criminal original petition.

4.Considering the facts and circumstances of the case, this Court directs the Judicial Magistrate Fast Track Court, Hosur to complete the trial in S.T.C.No.74 of 2018 within a period of six 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 (CCC)

//True Copy//

Sub Assistant Registrar

rna

To

The Judicial Magistrate,
Fast Track Court, Hosur.

+lcc to Mr. K.Krishna, Advocate, S.R.No. 30219

Cr1.O.P.No.8299 of 2019

MR(CO)
GN(03/05/2019)