



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.12.2019
CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.33463 of 2019

P.Gopal

... Petitioner/Complainant

Vs.

1. M/s.Polyfine Industries,
Rep.by its Partners,
Mrs.R.Sathiya,
Mrs.V.Ekambari,
Mrs.Deepa
2. R.Sathiya
3. V.Ekambari

... Respondents/Accused

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C, to issue direction to dispose of the S.T.C.No.374 of 2016 pending on the file of the Judicial Magistrate III, Puducherry as expeditiously as possible within the period of stipulated time by appreciating the above said facts and circumstances.

For Petitioner

: Mr.D.Anitha

ORDER

This petition has been filed by the petitioner/complainant to to dispose of the case in S.T.C.No.374 of 2016 pending on the file of the Judicial Magistrate No.3, Puducherry as expeditiously as possible within the period of stipulated time.

2. The learned counsel for the petitioner has submitted that the petitioner herein has filed a private complaint under Section 138 of the Negotiable Instruments Act against the respondents herein and based on the same, the Judicial Magistrate No.2, Puducherry has taken the case on file in S.T.C.No.5141 of 2012 and after receipt of summons, the accused persons entered appearance on 13.12.2012 and on 18.12.2013, the petitioner/complainant examined himself as P.W.1 and thereafter, the matter was adjourned for cross-examination. She further submitted that subsequently, the case was transferred to the Judicial Magistrate No.3 Puducherry on 29.04.2016 and the case was re-numbered as S.T.C.No.374 of 2016 and thereafter no progress has been made. Therefore, she prayed to direct the concerned Magistrate to dispose of the aforesaid case at early.



3. A perusal of dairy extract shows that when the aforesaid case was pending before the Judicial Magistrate No.2 Puducherry, the complainant was examined as P.W.1 in chief and thereafter, the case was adjourned to 07.01.2014 for cross-examination. Subsequently, the said case in S.T.C.No.5141 of 2012 was transferred to the Judicial Magistrate No.3, Puducherry and re-numbered as S.T.C.No.374 of 2016. The dairy extract further shows that in almost all the hearings, the complainant was present, but, the learned Judicial Magistrate has mechanically adjourned the case for cross-examination of P.W.1. For the past three years, he has not made any progress in the said case. Hence, this court is of the view that a direction has to be issued to the concerned Magistrate to dispose of the said case at early.

4. In the result, this petition is allowed. The Judicial Magistrate No.3, Puducherry is directed to expedite the trial in S.T.C.No.374 of 2016 and dispose of the same within three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

Vv

To

The Judicial Magistrate No.3,
Puducherry.

+2cc to Ms.D.Anitha, Advocate, SR.No.103409.

Cr1.O.P.No.33463 of 2019

RSL (CO)
CSR(18/12/2019)



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