



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.4381 of 2019

and

CrI.M.P.(MD)Nos.2656 & 2657 of 2019

M.Venkateshwaran

... Petitioner/Accused

Vs.

S.Kennedy

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in S.T.C.No.90 of 2018, on the file of the Judicial Magistrate Court No.I, Ramanathapuram, and quash the same.

For Petitioner : Mr.G.Sivaraja

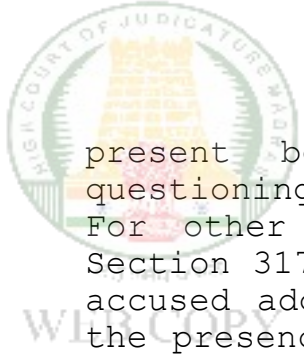
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.90 of 2018, on the file of the Judicial Magistrate Court No.I, Ramanathapuram.

2.The case of the respondent/complainant is that the petitioner borrowed a sum of Rs.1,75,000/- from the respondent on 24.04.2015 with an assurance to repay the same within three months and gave a cheque bearing No.015801, dated 24.04.2015, drawn on State Bank of India, Coodalar Branch, as security. Subsequently, when the said cheque was deposited for encashment, the same was returned with an endorsement 'funds insufficient'. Hence, the respondent lodged a complaint against the petitioner before the Court below.

3.The learned counsel appearing for the petitioner submitted that after borrowing the amount from the respondent, the petitioner has paid the entire amount to the respondent immediately, but there is no proof available to him. The learned counsel further submitted that it would suffice if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and the personal appearance of the petitioner may be dispensed with.

4.Accepting the above said submission made by the learned counsel appearing for the petitioner, without going into the merits of the case, this Court directs the Trial Court to complete the trial in S.T.C.No.90 of 2018, within a period of six months from the date of receipt of a copy of this order. The petitioner shall



present before the Trial Court for answering charges, for questioning under Section 313 Cr.P.C. and on the date of judgment. For other hearings, if the petitioner files an affidavit under Section 317 Cr.P.C., the same shall be liberally considered. If the accused adopts dilatory tactics, the Trial Court shall insist upon the presence of the accused. If the accused absconds, a fresh FIR shall be registered against them under Section 229-A IPC.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

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To

The Judicial Magistrate No.I,
Ramanathapuram.

+1 CC to M/s.G.SIVARAJA, Advocate (SR-59879[F] dated 09/04/2019)

Crl.O.P. (MD) No.4381 of 2019
08.04.2019

DS/ /SAR- (23.04.2019) 2P 3C