

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.4548 of 2020
and CRL.M.P.Nos.2602 & 2604 of 2020

B.Rajasekaran

...Petitioner

Vs.

Saveri Selvanathan

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside order date 08.08.2019 passed by the learned Judicial Magistrate, Fast Track Court-II, Coimbatore, in M.P.No.3894 of 2019.

For Petitioner : Mr.D.Chandra Sekar

For Respondent : No Appearance

O R D E R

This petition has been filed challenging the order passed in M.P.No.3894 of 2019 in C.C.No.120 of 2015 dated 08.08.2019 on the file of the Judicial Magistrate, Fast Tract Court No.II, Coimbatore.

2.It is seen that the petitioner is an accused in C.C.No.125 of 2015 lodged by the respondent for the offence under Section 138 of Negotiable Instrument Act. The respondent examined P.Ws.1 and 2 and the same were closed, after giving several opportunities to the petitioner to cross examine. After questioning under Section 313 of Cr.P.C., the matter was posted for defence witness. Thereafter, the petitioner was given opportunity to put forth his defence evidence and even then the petitioner failed to produce his witness before the trial Court. In fact, already the petitioner filed CMP.No.5208 of 2018 to reopen the case for defence witness and the same was allowed. Even then the petitioner did not take any steps to bring witnesses and also did not file any batta before the trial Court to produce the witnesses.

3. Therefore, the present petition has been filed only to drag the proceedings and nothing else for the past more than two years, it is pending for the defence witness when the trial Court allowed the petitioner to reopen the case even then the petitioner did not take steps for the past two years to produce his witness. Therefore, the trial Court dismissed the order against the petitioner. This Court did not find any irregularity or uniformity in the order passed by the trial Court.

4. In view of the above discussion, this Criminal Original Petition stands dismissed. The trial Court is directed to complete the trial within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gbi

To

1. The Judicial Magistrate,
Fast Track Court-II,
Coimbatore.
2. The Chief Judicial Magistrate,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

CRL.O.P.No.4548 of 2020
and CRL.M.P.Nos.2602 & 2604 of 2020

WEB COPY

AJS(CO)
KKV/19/12/2020