

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.11682 of 2020

Madan Lal Sales Pvt. Ltd.,
No.99, Harrington Road, E1,
Harrington Court, 15th Avenue,
Chetpet, Chennai-600 031
rep. by its Power Holder
M.Jayaraman

...Petitioner

Vs.

1. Bharath Formulations Pvt. Ltd.,
rep. by its Managing Director,
Murale Cannan,
No.1, 12th Street, Nehru Colony,
Pazhavanthangal, Chennai-114.

2. Murale Cannan,
Managing Director,
No.1, 12th Street, Nehru Colony,
Pazhavanthangal, Chennai-114.

3. Anuradha Murali,
Director,
No.1, 12th Street, Nehru Colony,
Pazhavanthangal, Chennai-114.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the FTC-II, Chief Metropolitan Magistrate, Egmore, Chennai to dispose of the case in C.C. No.119 of 2013 on his file within a time frame to be fixed by this Ho'ble Court.

For Petitioner : Mr.A.Damodaran

ORDER

This petition has been filed seeking a direction directing the learned FTC-II, Chief Metropolitan Magistrate, Egmore, Chennai to dispose of the case in C.C. No.119 of 2013 within a time frame fixed by this Court.

2. The learned counsel appearing for the petitioner submits that the petitioner has filed a complaint under Section 138 of Negotiable Instruments Act in C.C.No.119 of 2013 originally before the learned II Metropolitan Magistrate Court, Egmore, Chennai against the respondents herein for the dishonour of cheque bearing No.001070, dated 05.07.2012 for a sum of Rs.43,37,715/- drawn on Bank of Baroda, Mount Road Branch, Chennai to and in favour of the petitioner. The respondents having entered appearance as early as in the year 2013, the petitioner was not even examined in chief for the past 44 hearings and the respondents are deliberately dragging on the proceedings for the reasons best known to them. He would further submit that for every hearing, the respondents are filing a petition under Section 317 of CrI.P.C. and the learned Magistrate also allowing the said petitions for the reasons best known to it. However, the learned Magistrate has allowed the 311 petition in M.P. No.7672 of 2018 with the payment of cost of Rs.10,000/- on 03.12.2018. Even though the respondents have not complied with the said order, the petition in M.P. No.7672 of 2018 was closed, since there is no representation by the respondent. He would further submit that for the next following hearings also, the respondents have failed to appear and all of sudden, on 29.03.2019, their counsel appeared and filed a petition under Sec.315 of CrI.P.C. to take accused as a competent witness and it was kept pending and posted the matter on 03.04.2019. The learned counsel also would submit that on 19.08.2019, the court below has issued a bailable warrant against the respondents 2 and 3 and the above said crook act of the respondents/accused clearly proves that only to drag on the proceedings and also not to pronounce judgment, they have taken the law as the weapon into their hands. Hence, this petition has been filed seeking a direction to dispose the C.C. No.119 of 2013 within a time frame.

3. Considering the facts and circumstances, the FTC-II, Metropolitan Magistrate, Egmore, Chennai is directed to dispose the case in C.C.No.119 of 2013 within a period of six months from the date of receipt of the copy of this order.

4. With the above direction, this Criminal Original Petition stands allowed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Chief Metropolitan Magistrate,
FTC-II, Egmore, Chennai.

Crl.O.P.No.11682 of 2020

SKS (CO)
SP (08/10/2020)



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