

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

Crl OP.No.20077 of 2020

R.Manish Hathiramani

...Petitioner

Vs.

G.D.Ranka

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the Learned Fast Track Court III, Metropolitan Magistrate, Saidapet to adjourn the proceedings in C.C.No.1543 of 2013 untill the pending Cheque stolen Criminal case in GR(s) - 734 of 2013 before the Learned Chief Metropolitan Magistrate at Calcutta reaches its finality.

For Petitioner : Mr.Praveen Alexander

ORDER

The Criminal Original Petition has been laid by the petitioner/accused seeking for a direction to the Fast Track Court III, Metropolitan Magistrate, Saidapet to adjourn the proceedings in C.C.No.1543 of 2013 untill the pending Cheque stolen Criminal case in GR(s) - 734 of 2013 on the file of the Chief Metropolitan Magistrate Court, Calcutta reaches its finality.

2.Based on the complaint lodged by the respondent under Section 138 of the Negotiable Instrument Act, it is noted that the case in C.C.No.1543 of 2013 has been taken on file by the Fast Track Court III, Metropolitan Magistrate, Saidapet and it is noted that after the recording of the evidence in the abovesaid C.C. as put forth by the petitioner's counsel, the

case has reached the stage of arguments and at this juncture, the present criminal original petition has been laid by the petitioner.

3. Now, according to the petitioner, the cheque involved in the abovesaid C.C. has been stolen by the respondent clandestinely and in that connection, according to him, he had laid a case against the respondent on the file of the Chief Metropolitan Magistrate Court, Calcutta and therefore, inasmuch as the abovesaid case is under investigation before the Calcutta Court and the impugned cheque in question is a vital piece of evidence for the conduct of the abovesaid case before the Calcutta Court and as the Calcutta High Court has also called for the handing over of the cheque in question from the Fast Track Court III, Metropolitan Magistrate, Saidapet for further process, according to the petitioner, till the abovesaid case reaches its finality, this Court should direct the Fast Track Court III, Metropolitan Magistrate, Saidapet to adjourn the proceedings.

4. In so far as the contention put forth by the petitioner that the Chief Metropolitan Magistrate Court, Calcutta had taken steps to obtain the cheque involved in the matter from the Fast Track Court III, Metropolitan Magistrate, Saidapet, it is look out of the concerned Courts with reference to the same and the Courts are to follow the procedure with reference to the same as contemplated under law. Such being the position, when according to the petitioner, the respondent has stolen the cheque clandestinely, it is for the petitioner to establish the said defence version in the manner known to law and particularly, when the parties had already adduced evidence with reference to the same and the case in C.C.No.1543 of 2013 has reached its final stage and pending the stage of arguments, the contention of the petitioner that till his defense version is established before the Calcutta Court, the Court below should not be allowed to conclude the cheque case on merits, as such, cannot at all be countenanced in any manner. If according to the petitioner, he has got valid material to sustain his defence version, he should have placed the same before the Court below for consideration as per law.

5. In the light of the abovesaid factors, this Court is not inclined to grant the relief sought for by the petitioner and in my considered opinion, the petition preferred by the petitioner is frivolous and totally lacking in merits and the Fast Track Court III, Metropolitan Magistrate, Saidapet is directed to conclude the trial in C.C.No.1543 of 2013 expeditiously as per law.

6. For the reasons aforestated, the criminal original petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

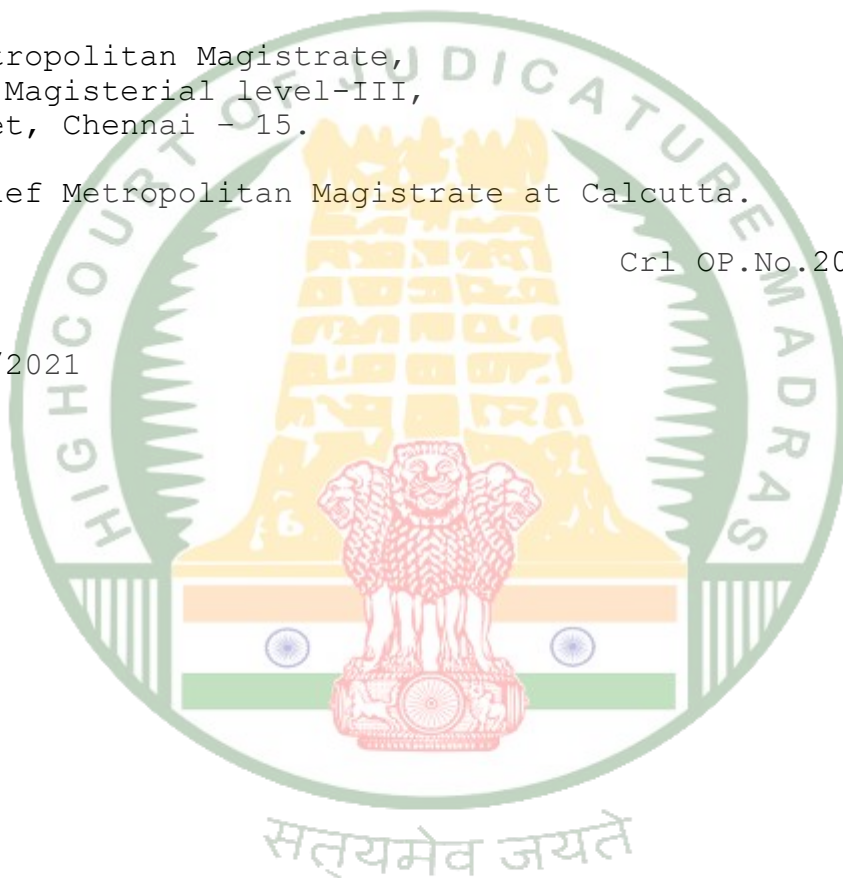
sms

Copy to

1. The Metropolitan Magistrate,
FTC at Magisterial level-III,
Saidapet, Chennai - 15.
2. The Chief Metropolitan Magistrate at Calcutta.

Cr1 OP.No.20077 of 2020

CO (MP)
BDL/11/01/2021



WEB COPY