

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3504 of 2017

and

Crl.M.P.No.2532 of 2017

Dharmakumar

... Petitioner/Accused

Vs.

Ramakrishnan

... Respondent/Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code to set aside the order passed by the learned Judicial Magistrate at Ootacamund, The Nilgiris, in CMP No.9039 of 2012 in CC No.56 of 2010 dated 02.11.2016.

For Petitioner : M/s.R.Babu
(No appearance)

O R D E R

This petition has been filed to set aside the order the order passed by the learned Judicial Magistrate at Ootacamund, The Nilgiris, in CMP.No.9039 of 2012 in CC No.56 of 2010 dated 02.11.2016.

2. On perusal of the records, it is seen that the respondent filed a complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act. The petitioner herein filed a petition, under Section 73 of Indian Evidence Act, on 20.12.2012 before the Magistrate seeking direction to the respondent to submit his specimen handwriting and signature for comparison with the hand writing in the alleged cheque and the account written by the respondent herein in the paper. The said petition was dismissed by the learned Judicial Magistrate, Ootacamund on 02.11.2016. Against which, the petitioner is before this Court with this Criminal Original Petition.

3. This Criminal Original Petition was listed for admission on 21.12.2017. On that day, the learned counsel for

the petitioner requested adjournment and at his request, the petition was adjourned to 23.12.2017. Thereafter, the learned counsel for the petitioner did not take any steps to list the matter even for admission. Therefore, the Criminal Original Petition is pending for the past three years without even getting admitted. It shows that the petitioner is not interested to proceed further. In this circumstance, this Court is not inclined to entertain this petition. Therefore, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mra

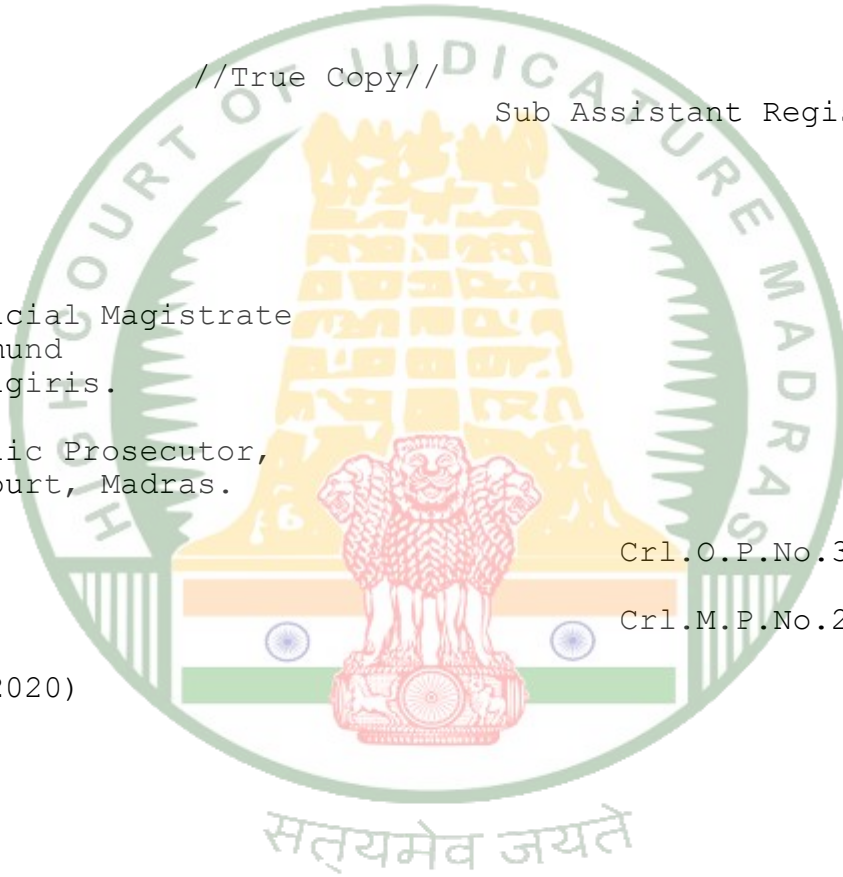
To

1.The Judicial Magistrate
Ootacamund
The Nilgiris.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.3504 of 2017
and
Crl.M.P.No.2532 of 2017

AK(CO)
CB(21/09/2020)



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