



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 08.07.2019

CORAM

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P. (MD) .No.9598 of 2019

WEB COPY

Devadoss Jebaraj

... Petitioner

-Vs-

1. Rajesh

2. The Public Prosecutor,
Tirunelveli

... Respondents

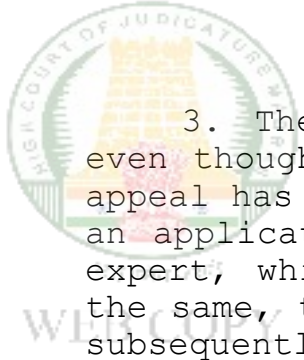
Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned III Additional District Judge, Tirunelveli to dispose of the C.A.No.142 of 2010 within a time fixed by this Court.

For Petitioner : Mr.N.Dilip Kumar

O R D E R

This petition has been filed seeking a direction to the learned III Additional District Judge, Tirunelveli to dispose of the appeal in C.A.No.142 of 2010.

2. The petitioner is the de-facto complainant in C.C.No.208 of 2006, on the file of the Judicial Magistrate No.I, Tirunelveli. The trial Court convicted the first respondent / A2 for the offences under Sections 465, 467, 468, 471, 474 r/w. 120(B) of Indian Penal Code and sentenced him to undergo Simple Imprisonment for one year and to pay a fine of Rs.5,000/-, in default to undergo Simple Imprisonment for two months under Section 465 of I.P.C., sentenced him to undergo Simple Imprisonment for two years and to pay a fine of Rs.5,000/-, in default to undergo Simple Imprisonment for three months under Section 467 of I.P.C., sentenced him to undergo Simple Imprisonment for two years and to pay a fine of Rs.5,000/-, in default to undergo Simple Imprisonment for three months under Section 468 of I.P.C., sentenced him to undergo Simple Imprisonment for two years and to pay a fine of Rs.5,000/-, in default to undergo Simple Imprisonment for three months under Section 471 of I.P.C., sentenced him to undergo Simple Imprisonment for one year and to pay a fine of Rs.5,000/-, in default to undergo Simple Imprisonment for three months under Section 474 of I.P.C., and sentenced him to undergo Simple Imprisonment for one year and to pay a fine of Rs.5,000/-, in default to undergo Simple Imprisonment for one month under Section 120(B) of I.P.C., Challenging the order of conviction the first respondent/A2 has filed an appeal in C.A.No.142 of 2010 and the same is pending for the past nine years.



3. The learned counsel for the petitioner would submit that even though the appeal has been filed in the year 2010, so far the appeal has not been disposed of. Earlier, the accused has also filed an application seeking to send the disputed cheque for handwriting expert, which has been allowed by the appellate Court. Challenging the same, the petitioner has filed a revision before this Court and subsequently, it was withdrawn. Thereafter, the matter was posted for cross-examination of handwriting expert and without conducting the same, the matter has been periodically adjourned without any valid reason. In the above circumstances, the present petition has been filed seeking for a direction to the learned III Additional District Judge, Tirunelveli to dispose of the appeal expeditiously.

4. Taking into consideration the fact that the appeal is pending for more than nine years, the learned III Additional District Judge, Tirunelveli is directed to dispose of the appeal in C.A.No.142 of 2010 within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, the criminal original petition is disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The III Additional District Judge,
Tirunelveli.

2. The Public Prosecutor,
Tirunelveli.

+1 CC to MR.N.DILIP KUMAR, Advocate (SR-74273[F] dated 09/07/2019)

Crl.O.P.(MD).No.9598 of 2019
08.07.2019

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