



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.15144 OF 2021

M/s.Sai Enterprises
Rep.by its Proprietor
Mr.Sooravarnam Divakar
Plot No.12, Door No.36,
Kamakamal Colony
Palavanthangal
Chennai 600 141.

....Petitioner/Complainant

Vs.

Parameswaran Krishnamoorthy

... Respondent/Accused

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Judicial Magistrate Fast Track Court, Alandur to Expedite the trial in C.C.No.94 of 2017 and dispose the case as soon as possible.

For Petitioner : Mr.R.Venkatesh

ORDER

This petition has been filed to direct the Judicial Magistrate Fast Track Court, Alandur to expedite the trial in C.C.No.94 of 2017 and dispose the case as soon as possible.

2. The petitioner has lodged a private complaint under Section 138 of the and 142 of the Banking Public Financial Institutions and Negotiable Instruments Act and under Section 200 of Cr.P.C. The contention of the petitioner is that petitioner had examined himself as PW1 and marked Exs.P1 to P11 on 01.08.2018. Thereafter, the case has been periodically adjourned. In the meanwhile, the Court was closed due to Covid situation. When the normal functioning of the Court was commenced, the respondent/accused filed a petition under Section 205 Cr.P.C., and the same was allowed. Though the respondent is



being represented by a counsel, he has not carried out any cross examination. Finally in some of the hearings, he has not appeared and notice have been ordered to him. In the last hearing i.e, on 05.08.2021, the case was again adjourned for cross examination of PW1 on 04.10.2021.

3. The learned counsel for the petitioner has submitted that the petitioner would appear before the trial Court for cross examination. He has filed adjudication from the year 2017 to till date.

4. It is seen that the accused is represented by a counsel under Section 205 of Cr.P.C. Though the learned counsel for the accused appears, but not adhering to the condition imposed under Section 205 of Cr.P.C. Hence, the case filed under Section 138 case is kept pending from the year 2017 without even cross examination of PW1.

5. In view of the same, the respondent is directed to cross examine the witness on 04.10.2021 and if he fails to do so, the petition filed under Section 205 Cr.P.C can be dismissed and the accused to be secured and produced before the trial Court. Further, the Trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of the order.

6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna

To

The Judicial Magistrate Fast Track Court,
Alandur.

+1cc to Mr.R.Venkatesh, Advocate, S.R.No.48835

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PVS (CO)
PM/11/10/2021