



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.Nos.16100 & 16115 of 2021

Kalaivani ... Petitioner in both Crl.O.Ps.

Versus

1.B.V.Builders

Rep.by Proprietor Mr.A.Balaji,
No.107, 2nd Cross Street,
Parvathy Nagar, Main Road,
Medambakkam, Chennai - 600 126.

2.A.Balaji ... Respondents in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned FTC-V, & FTC III respectively Metropolitan Magistrate, Saidapet, Chennai to expedite the trial in C.C.Nos.931 & 925 of 2020 respectively and conclude the trial within a stipulated time period.

For Petitioner : Mr.A.Ashwinkumar
in both Crl.OPs.

For Respondent : Mr.A.Damodaran
No.1 in both Government Advocate (Crl. Side)
Crl.OPs.

COMMON ORDER

The petitioner, who is the defacto complainant, has filed the petitions under Sections 138 & 142 of the Negotiable Instruments Act, against the respondents in C.C.Nos.931 & 925 of 2020 on the file FTC-V & FTC-III, Metropolitan Magistrate, Saidapet, Chennai respectively.

2.The contention of the learned counsel for the petitioner is that the petitioner is a lady and her transaction with the accused is not in dispute, all her transactions were made through NEFT. In discharge of liability, the accused had issued cheques. Following the statutory compliances, complaint filed.

3.The grievance of the petitioner is that the petitioner is a lady and with health ailments and she is in the advanced stage of pregnancy. After delivery, she would be confined to bed post delivery issues. Her all hard earned money now blocked and she is finding it difficult to meet out her daily needs and also meet the delivery expenses. The cases in C.C.Nos.931 & 925 of 2020 came up before the Lower Court on



12.07.2021 and posted to next hearing date i.e. 18.11.2021 & 25.10.2021 respectively.

4. Further, she submits that this adjournment, for a long period of three months, is against the direction of this Court, wherein, this Court held that cases under 138 of the Negotiable Instruments Act to be completed at the earliest without any delay. In this case, the accused already appeared, at the most, it would take only one or two hearings to complete the trial. By giving a long adjournment, it only emboldens the accused persons to further delay in making payment, if they have the inclination to make payment.

5. Considering the submission, this Court is of the view that the trial Court giving such long adjournment of three months is not proper, more so, when the petitioner is inclined to complete the trial at the earliest. In view of the same, the trial Court is directed not to give long adjournment after the next hearing date and in future, to take up the case and complete the trial within a period of two months from the date of receipt of a copy of this order and thereafter.

6. With the above direction, the criminal original petitions are disposed of.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Metropolitan Magistrate,
(FTC-V), Saidapet, Chennai.

2. The Metropolitan Magistrate,
(FTC-III) Saidapet, Chennai

3. 1 & 2 do Through The Chief Metropolitan Magistrate,
Egmore, Chennai.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Ashwinkumar Advocate, S.R.No.46243

+1cc to Mr.A.Ashwinkumar, Advocate, S.R.No.46342

CRL.O.P.Nos.16100 & 16115 of 2021

SMI (CO)

GN (02/11/2021)

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