



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.19567 of 2021

N.D.Ravikumar

... Petitioner/Complainant

Versus

1. Mr.M.Kumar

2. Mrs.Kalaivani Kumar

... Respondents/Accused 1-2

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the trial court, Viz., Learned FTC - III Metropolitan Magistrate Court, Saidapet, Chennai, to expedite and dispose of the calendar case C.C.No.4767 of 2016, pending on its file, within a time period, as may be prescribed and determined by this Hon'ble Court.

For Petitioners : Mr.S.Baskaran.

For Respondents : -

ORDER

This Criminal Original Petition has been filed to direct the Metropolitan Magistrate, FTC - III, Saidapet, Chennai, to expedite and dispose of C.C.No.4767 of 2016 within a stipulated time.

2. The learned counsel for the petitioner submitted that the petitioner/complainant, who is a senior citizen, aged about 70 years, has filed a private complaint under Section 138 of Negotiable Instruments Act, 1881 before the FTC - III, Metropolitan Magistrate Court, Saidapet, Chennai and the same was taken on file as C.C.No.4767 of 2016. The same is pending for the past 5 years without any progress. He further submitted that citing one reason or other, the accused are dragging on the proceedings and the trial court not taking effective steps to conclude the trial. Hence, the present petition has been filed.



3. Considering the submission and the perusal of the materials, it is seen that on 24.08.217, P.W.1 was examined in Chief and Ex.P1 to Ex.P9 were marked. Thereafter, for the purpose of cross examination, it has been periodically adjourned for one reason or other. Still the case is at the stage of Cross examination of P.W.1 and the respondents yet to complete the cross examination of P.W.1. The case is pending from the year 2016 and even after completion of 5 years, it is pending at the stage of cross examination P.W.1, which cannot be accepted.

4. In view of the same, the Trial court is directed to conclude the trial in C.C.No.4767 of 2016 within a period of three(3) months from the date of receipt of a copy of this order. In any event, if the accused/respondents herein adopt any dilapidated tactics, coercive action to be taken.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Metropolitan Magistrate,
FTC-III, Metropolitan Magistrate Court,
Saidapet, Chennai.

2. -do- Through The Chief Metropolitan Magistrate,
Egmore, Chennai.

+1CC to Mr.S.Baskaran, Advocate, Sr.No.55612

CRL.O.P.No.19567 of 2021

PVS (CO)
K.RK. (01.11.2021)