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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.21650 of 2021

Mr.S.Kandiban

...Petitioner / Complainant

Vs

Mr.Sudaker

...Respondent / Accused

Prayer: Petition filed under Section 482 of Cr.P.C. to direct the Judicial Magistrate (FTC) No.II at Poonamallee to complete the trial in S.T.C.No.320 of 2016 within a stipulated time.

For Petitioner : Mr.K.Thenrajan

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate (FTC) No.II at Poonamallee to complete the trial in S.T.C.No.320 of 2016 within a stipulated time.

2.The learned counsel appearing for the petitioner submitted that he lodged a complaint against the respondent for offence punishable under Section 138 of Negotiable Instruments Act and the same was taken on file in S.T.C.No.320 of 2016, on the file of learned Judicial Magistrate No.II, Poonamallee and thereafter the case was transferred to the file of Fast Track Court, Poonamallee. It is further submitted that though notice was served on the respondent, he was evading the service successfully and thereafter Non Bailable Warrant was also issued against him and later the respondent had engaged an advocate and appeared before the trial Court on 24.02.2020 and the NBW was recalled, thereafter, the case was posted for evidence on 13.05.2020. He further contended that in the meanwhile proof affidavit was made ready and the petitioner was ready to mark some of the documents, thereafter, the accused failed to appear before the Lower Court and NBW was again issued to the accused on 23.12.2020 and finally the accused appeared on 22.02.2021 and filed recall petition and the NBW recalled and the Proof Affidavit was filed.



3. The main grievance of the learned counsel appearing for the petitioner submitted that though proof affidavit has been received by the trial Court, the case was periodically adjourned, without any progress. He further submitted that the respondent was successfully adopting dilatory tactics and has been evading the trial from the year 2016 till date for the past five years and therefore the trial Court may be directed to conduct the trial on a day-to-day basis and complete the same within a stipulated period.

4. This Court on a perusal of typed set of papers and submissions of the learned counsel appearing for the petitioner including the adjudication history which are in conformity to the submission of the petitioner, directs the trial Court to conduct the trial on a day-to-day basis and complete the same within a period of two months from the date of receipt of a copy of this order. It is made clear that if the respondent is found to be adopting dilatory tactics to drag on the case, necessary action shall be taken.

5. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar (CCC)

// True Copy //

Sub Assistant Registrar

arr

To

The Judicial Magistrate (FTC) No.II at
Poonamallee.

Cr1.O.P.No.21650 of 2021

GPL (CO)
RVM(17/12/2021)