



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl. O.P. No.22583 of 2021

and

Crl.M.P. No.12274 and 12275 of 2021

G.Narayanan

...Petitioner/Accused

Vs.

E.Jeevanandham

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. to set aside the order passed by the learned Fast Track Court Judicial Magistrate Level at Poonamallee dated 17.08.2021 in C.M.P. No.537 of 2021 in S.T.C. No.764 of 2019.

For Petitioner : Mr.V.V.Sairam

O R D E R

The petitioner/accused in S.T.C. No.764 of 2019 facing prosecution for an offence under Section 138 of the Negotiable Instruments Act, 1881 based on the complaint of the respondent/complainant, has filed this criminal original petition, to set aside the order passed by the learned Fast Track Court Judicial Magistrate Level at Poonamallee dated 17.08.2021 in C.M.P. No.537 of 2021 in S.T.C. No.764 of 2019.

2. The grievance of the petitioner is that the order passed by the trial court in C.M.P. No.537 of 2021 in S.T.C. No.764 of 2019 is not sustainable under Section 143A of the Negotiable Instruments Act, 1881, directing the petitioner to deposit 20% of cheque amount as compensation. The further grievance of the petitioner is that the trial court had not given any reason, while directing the petitioner to deposit 20% of the cheque amount.

3. This court in Crl.O.P. Nos.15438 and 15440 of 2019 dated 12.07.2019, had given reasons that in case of absconding of the accused for a long time and protraction of the proceedings,



intentionally evaded service for a long time, where the accused accepts the debts or liability or where the accused person does not cross examine the witnesses and keeps on dragging with the proceedings by filing one petition after another to protract the proceedings and in case of absconding of the accused, the court can invoke Section 143A(1) of the Act, directing the the accused person to pay interim compensation of 20% to the complainant.

4. In the case on hand, the trial court had not given any of the reasoning by passing such order. In view of the same, this court finds that the order passed by the learned Fast Track Court Judicial Magistrate Level at Poonamallee dated 17.08.2021 in C.M.P. No.537 of 2021 in S.T.C. No.764 of 2019, is improper and not sustainable and hence the same is set aside. Finding that the case is pending for trial from the year 2019, the trial court is directed to give top priority and complete the trial, within a period of two months from the date of receipt of a copy of this order.

5. On the above terms, the criminal original petition is allowed. Consequently, the connected criminal miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

asr

To

The Fast Track Court,
Magisterial Level,
Poonamallee.

+lcc to Mr.V.V.Sairam, Advocate Sr.64208

CrI. O.P. No.22583 of 2021

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