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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P. NOS.8100 & 8105 OF 2017

M/s.Saveri Transport Finance Limited,
Rep. By its Manager & Power of Attorney,
Mr. R. Kumbeswaran,
No.38, Venkatakrishnan Road,
Mandaveli, Chennai - 600 028.

...Petitioner/Complainant
(In both petitions)

Vs.

M/s. Victory Sports,
Rep. By Mr. R. Karthikeyan,
3/2, Welcome Colony,
Anna Nagar West Extn.
Near Thirumangalam TNEB,
Chennai - 600 101

... Respondent/Accused
(in Crl.OP.No.8100 of 2017)

Mrs. C.Aswini

... Respondent/Accused
(in Crl. OP.No.8105 of 2017)

COMMON PRAYER: Criminal Original Petitions are filed under Section 407 Cr.P.C., to withdraw and to transfer case in C.C. Nos.2427 and 2428 of 2016 on the file of the Hon'ble Fast Track Court (Magistrate Level) Saidapet, to Hon'ble Fast Track Court (Magistrate Level) Ambathur or any other Court subsequently, direct the Trial Court to complete the Trial within a stipulated period fixed by this Court.

For Petitioner	: Mr. K. Sivakumar
For Respondent	: No Appearance
	(In both petitions)

C O M M O N O R D E R

These Criminal Original petitions have been filed under Section 407 Cr.P.C., to withdraw and to transfer case in C.C.



Nos.2427 and 2428 of 2016 on the file of the Hon'ble Fast Track Court (Magistrate Level) Saidapet, to Hon'ble Fast Track Court (Magistrate Level) Ambathur or any other Court subsequently, direct the Trial Court to complete the Trial within a stipulated period fixed by this Court.

2. The petitioner herein is the complainant who has filed complaint on 07.06.2016 before the Hon'ble XXIII Metropolitan Magistrate, Saidapet, against the respondents herein in both petitions for the offences punishable under Section 138 of Negotiable Instrument Act. The above case was taken on file and numbered as C.C. Nos.2427 and 2428 of 2016 and subsequently, the same were transferred into Hon'ble Fast Track Court, Saidapet, for further proceedings. After transferring the case, the case was called on 13.07.2016 and adjourned to 17.08.2016. Thereafter, it is being adjourned without any process up to 15.05.2017. Hence, these petitions are filed as prayed for.

3.The learned counsel for the petitioner would submit that the case is pending more than 10 months without any further process due to the Court having number of cases per day. It came to know that more than 4000 cases are pending in that Court for adjudication and in average more than 150 cases are called every day. If the case is not proceeded further expeditiously, the petitioner will put to heavy loss since the outstanding amount from the respondents- clients to his Company is very huge. The similar cases are pending on behalf of the company. Hence, this case may pleased be transferred to some other Court to be proceeded earlier. Hence, the petitioner has filed the present petitions praying for appropriate directions of this Court.

4. Heard, the learned counsel for the petitioner and perused the material available on record.

5. On a perusal of the record and submissions made by the learned counsel for the petitioner, it has been stated the cases are being adjourned periodically without any progress and hence the aforesaid cases are sought for to transfer the same to the Fast Track Court, Ambattur since number of cases are pending on the file of the Fast Track Court, Saidapet. As the reason for the transfer of the cases to the specific Court is not acceptable and considerable, the Fast Track Court, Saidapet is directed to proceed further with the Trial and dispose of the case within a period of 12 months from the date of receipt of copy of this order.

6. In the result, these Criminal Original Petitions are



disposed of. Consequently, connected miscellaneous petitions are closed if any.

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s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

Lbm

To:

1. Fast Track Court, Saidapet.
2. The Additional Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P. Nos.8100 & 8105 of 2017

KSM(CO)
PM(02/09/2021)