



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.24558 OF 2021

T.Nagaraj
S/o.Late Thiruvengadam

... Petitioner

Versus

Charles Joseph
S/o.Barnabas

... Respondent

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Sessions Judge, The Nilgiris to dispose of the appeal in Crl.A.No.62 of 2019.

For Petitioner : Mr.J.Bharathi Raja

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the learned Sessions Judge, The Nilgiris to dispose of the appeal in Crl.A.No.62 of 2019.

2. Grievance of the petitioner is that the petitioner has filed a complaint under section 138 of Negotiable Instruments Act against the respondent and prosecuted the case in S.T.C.No.2618 of 2016 before the Judicial Magistrate Court, Ootacamund, On conclusion of trial, the Judicial Magistrate, Ootacamund by its judgment dated 11.11.2019 convicted the respondent and sentenced him to undergo three months simple imprisonment and ordered to pay a compensation of Rs.1,50,000/- to the complainant. The respondent filed an appeal in C.A.No.62 of 2019 before the District Judge cum Chief Judicial Magistrate Court, The Nilgiris. Based on the representation of the respondent, the case was sent to Lok Adalat for settlement. Thereafter, the respondent had never shown any interest to



settle the amount. Hence the case was sent back to the District Judge cum Chief Judicial Magistrate Court, for disposal. The learned District Judge cum Chief Judicial Magistrate, has periodically adjourned the case for one reason or the other. The cheque in this case was issued in the year 2016. For the past six years the petitioner has not seen the colour of the coin. Hence this petition.

3. Considering the submission of the petitioner and the perusal of the materials available on records, it is seen that the respondent delaying the arguments by giving various reasons and later the matter has been sent to Lok Adalat. Thereafter, the case was sent back to the District Judge cum Chief Judicial Magistrate Court, The Nilgiris for disposal. The case has been periodically adjourned by the District Judge cum Chief Judicial Magistrate, The Nilgiris from April 2020 to November 2021 and finally it is posted for arguments on 04.01.2022.

4. In view of the submissions, this Court directs the District Judge cum Chief Judicial Magistrate, The Nilgiris to take up the case and complete the arguments without further delay and dispose the same within a period of one month from 04.01.2022.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Judge cum
Chief Judicial Magistrate,
The District cum Chief
Judicial Magistrate Court,
The Nilgiris.



2. The Judicial Magistrate,
Udhagamandalam.

3. The Sessions Judge,
Nilgiris.

4. The Principal Sessions Judge,
Nilgiris.

CRL.O.P.NO.24558 OF 2021

SSI (CO)
PBS/12/01/2022