



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2021

WEB COPY

CORAM:
THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**
Crl.O.P.(MD)No.7720 of 2021

M.Radhakrishnan

... Petitioner/ Petitioner

Vs.

Ahamed Moytheen

... Respondent/Accused

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate, Vadipatti to dispose the case in STC No.58 of 2017 as against the respondent/accused on the file of the District Munsif cum Judicial Magistrate, Vadipatti, within the time stipulated by this Court.

For Petitioner : Mr.S.Alagarsamy

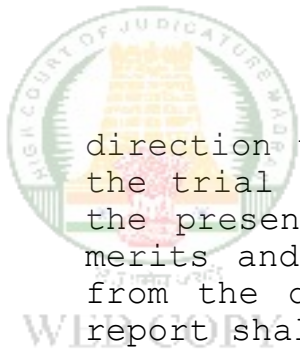
ORDER

This petition is filed seeking a direction to the learned Judicial Magistrate, Vadipatti to dispose of the case in STC No.58 of 2017 pending on the file of the District Munsif cum Judicial Magistrate, Vadipatti.

2. The case of the petitioner is that he is the complaint in the above said criminal proceedings, which is pending on the file of the learned Judicial Magistrate, Vadipatti. The cheque amount involved is Rs.4,70,000/-. A cheque was issued by the accused and when the same was presented before the Bank, it was returned as "insufficient fund". Later, he issued a statutory notice, but, there was no reply. Hence, the petitioner has filed a complaint before the learned Judicial Magistrate, Vadipatti, which was taken on file as STC No.58 of 2017 dated 08.08.2017. Thereafter, the case was adjourned to various dates for the purpose of cross examination of P.W.1. Thereafter, the accused went absconding and hence, a Non-Bailable Warrant was issued against the accused. Since there was no progress, the petitioner has filed this petition seeking a direction to the trial Court to expedite the trial.

3. A report has been called for from the trial Court, wherein, it has been stated that because of non-execution of Non-Bailable Warrant, the case is kept pending. However, it is the duty of the trial Court to issue a direction to execute the warrant at the early date and to expedite the trial.

4. Considering the oldness of the case, there shall be a



direction to the learned Judicial Magistrate, Vadipatti to expedite the trial in STC No.58 of 2017, by taking effective steps to secure the presence of the accused at trial and dispose of the same, on merits and in accordance with law, within a period of five months from the date of receipt of a copy of this order. Compliance report shall be sent to the Registry of this Court thereafter.

Sd/-

Assistant Registrar (A.D-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The learned Judicial Magistrate,
Vadipatti.

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RD (14.07.2021) 2P 2C