



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.1422 OF 2022

S.Manoharan

... Petitioner/
Complainant

Versus

B.Sathishkumar

... Respondent/
Accused

PRAYER:

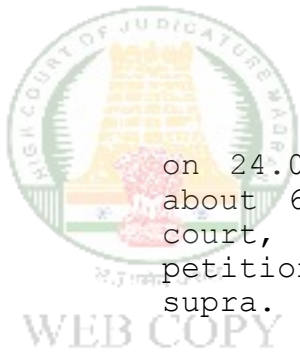
Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Learned Judicial Magistrate, Rasipuram to dispose off the complaint in C.C.No.147/2008 within a stipulated time limit.

For Petitioner	:	Mr.B.Jawahar
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Rasipuram to dispose off the complaint in C.C.No.147/2008 within a stipulated time limit.

2. The case of the petitioner is that the petitioner filed a complaint under Section 138 of the Negotiable Instruments Act against the respondent before the learned Judicial Magistrate, Rasipuram in C.C.No.147 of 2018 and despite several opportunities given to the respondent to cross examine the petitioner, he failed to do so and hence the evidence of P.W.1 was closed on 21.01.2021. Thereafter, the respondent filed C.M.P.No.453 of 2021 for recall of P.W.1 for cross examination and the said application was allowed on 30.03.2021 and the case was posted for cross examination of P.W.1 on 27.04.2021, but the respondent was continuously absent for hearings on 27.04.2021, 19.07.2021, 28.07.2021, 17.09.2021, 06.10.2021 and 08.10.2021, on which dates the petitioner is present. It is further stated that now the case has been posted



on 24.01.2022 and as the petitioner is a senior citizen aged about 60 years, it would be difficult for him to attend the court, if the case is adjourned periodically. Hence, the petitioner has filed this petition seeking for the relief stated supra.

3. The learned counsel appearing for the petitioner submitted that the respondent is adopting the dilatory tactics in dragging the case and hence prays for speedy disposal of the case.

4. Considering the facts and circumstances of the case and also the submissions made and also fact that the case has been adjourned periodically for cross examination of P.W.1, the learned Judicial Magistrate, Rasipuram is directed to complete the trial within a period of two months from the date of normal functioning of the Court. However, it is made clear that if the accused fails to cross examine P.W.1, the evidence of P.W.1 shall be closed and posted for further trial and complete the trial within the aforesaid period.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

arr

To

1. The Judicial Magistrate,
Rasipuram.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Jawahar, Advocate, S.R.No.4886

CRL.O.P.No.1422 of 2022

RSV(CO)
PM/08/02/2022