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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.2872 OF 2022

M.Jayaprakasam

...Petitioner/
Complainant

Vs.

S.R.Manoharan

...Respondent/
Accused

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct learned Judicial Magistrate No.I, Salem to dispose of the case in STC.No.423 of 2016, within a month.

For Petitioner : Mr.N.Manoharan

O R D E R

This petition has been filed seeking direction to the learned Judicial Magistrate No.1, Salem to dispose of the case in STC.No.423 of 2016, within a month.

2. Learned counsel appearing for the petitioner would submit that the petitioner is a senior citizen aged about 72 years and he had filed a complaint against the accused under Section 138 of N.I. Act. The case was originally pending on the file of learned Judicial Magistrate No. 5, Salem in C.C.No.169 of 2010 and thereafter, the case was transferred to the file of the learned Judicial Magistrate No.1, Salem in S.T.C.No.423 of 2016. Since there was delay in disposal of the case, the petitioner had earlier approached this Court in Crl.O.P.No.13961 of 2013 and this Court by an Order dated 04.09.2013, had directed the Judicial Magistrate No.5, Salem to expeditiously record the evidence of witnesses in C.C.No.169 of 2010 and dispose of the case. Thereafter, the evidence of the petitioner was closed and questioning under Section 313 of Cr.P.C was over on 09.09.2016. Subsequently, the accused has closed his evidence on 18.10.2016.



Thereafter, the case is pending without any progress defeating the object of speedy trial. He would further submit that for the past 5 years and more, there is no progress. The petitioner, who is a senior citizen, is also suffering.

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3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. Taking into consideration of the fact that originally the case is of the year 2010 and the case is pending for more than 11 years, a direction is issued to the learned Judicial Magistrate No.1, Salem to hear the arguments and dispose the case in STC.No.426 of 2016 within a period of two months from the date of receipt of a copy of this order.

5. Accordingly, this Criminal Original Petition stands ordered.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vri/shk

To

1. Judicial Magistrate No.1
Salem.
2. Judicial Magistrate No.5,
Salem.
3. Do-thro The Chief Judicial Magistrate,
Salem.

+1cc to Mr.N.Manoharan, Advocate, S.R.No.9281

Cr1.O.P.No.2872 of 2022

CA(CO)
PM/02/03/2022