



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5621 of 2022

K.Shanmugam,
S/o.Karian Chettiar

...Petitioner

Vs

C.Owen Joseph Gill Banks,
Son of Charles Donald Gilbanks,
Prop: JMJ Auto Garage,
Near Circle Block No.5,
Wellington Barracks Post,
The Nilgiris - 643 231.

...Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the learned Judicial Magistrate, Ooty, to expeditiously dispose of the complaint in S.T.C.No.1719 of 2016 within a stipulated time which may be fixed by the Hon'ble Court.

For Petitioner : Ms.R.Saritha

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed, to direct the learned Judicial Magistrate, Ooty, to expeditiously dispose of the complaint in S.T.C.No.1719 of 2016 within a stipulated time.

2. The learned counsel for the petitioner would submit that the respondent has borrowed a hand loan of Rs.2,50,000/- from the petitioner on 16.06.2012 and promised to repay the money within a period of five months. The respondent has also issued a post-dated cheque on 19.11.2012 towards the loan amount. Since the cheque was returned and dishonoured, the petitioner has made a private complaint in STC.No.550 of 2014 for the offence under Section 138 of the Negotiable Instruments Act, 1881.

3. Originally, the case was taken up in S.T.C.No.550 of 2014 on the file of the learned Judicial Magistrate, Nilgiris. Later, on administrative grounds, it was transferred to Judicial Magistrate Court, Coonoor and numbered as C.C.No.99 of 2015 and



once again it was re-transferred to Judicial Magistrate Court, Ooty and re-numbered as S.T.C.No.1719 of 2016.

4. Meanwhile, the respondent had filed a quash petition before this Court in Crl.O.P.No.22326 of 2017. Although, stay was granted ultimately it was dismissed by this Court on 14.12.2021. Even after the dismissal of the quash petition, the respondent is dragging the matter and for no fault of the petitioner the case is getting delayed.

5. Heard the learned counsel for the petitioner and perused the materials available on records.

6. Originally, the case was filed during the year 2014 and it had been taken in STC.No.550 of 2014 on the file of the learned Judicial Magistrate, Nilgiris. However, on account of administrative grounds, it had been transferred to various Courts.

7. In view of the above, this Court directs the learned Judicial Magistrate, Ooty to complete the trial in STC.No.1719 of 2016 and dispose the same, as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order.

8. This Criminal Original Petition stands disposed of with the above observation and direction.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1.The Judicial Magistrate, Ooty, Nilgiris.

2.-do- through The Chief Judicial Magistrate, Nilgiris.

+1cc to Mr.J.Bharathiraja, Advocate SR. No.17086

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SPD (CO)

PR (24/03/2022)