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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM

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

CRL.O.P.NO.6403 OF 2022

P.Richard
S/o.A.Peter

... Petitioner/Complainant

.Vs.

K.Lakshmi
W/o.Karikalan

... Respondent/Accused

PRAYER:-

Criminal Original Petition filed under Section 482 of Cr.P.C., pleased to issue necessary directions, directing the learned Judicial Magistrate, Fast Track Court, Poonamallee, to dispose of the private complaint in S.T.C.No.562 of 2018 at an early date.

For Petitioner : Mr.V.Premkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, to direct the learned Judicial Magistrate, Fast Track Court, Poonamallee, to dispose of the private complaint in S.T.C.No.562 of 2018.

2. The learned counsel for the petitioner would submit that the petitioner is a senior citizen and complainant in S.T.C.No.562 of 2018 pending on the file of the learned Judicial Magistrate, Fast Track Court, Poonamallee for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

3. The learned counsel for the petitioner would further submit that after appearance of the respondent/accused, the case was posted for trial and the petitioner has let in evidence in Chief by way of filing proof affidavit and marking the documents



on 25.02.2019. However, thereafter, despite the case being posted on several occasions, the respondent/accused had not taken any steps to cross-examine the petitioner and the case has been repeatedly adjourned periodically. The petitioner who is a senior citizen being unnecessarily harassed in this case.

4. The learned counsel for the petitioner would further submit that the decision of the Hon'ble Supreme Court in Indian Bank Association and others Vs Union of India and another reported in (2014) 5 SCC 590, had issued directions regarding conduct of trial for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and at Paragraph 21.5, it is stated that the trial Court must ensure that cross-examination-in-chief, cross-examination and re-examination of the complainant must be conducted within a period of three months of assigning the case. Further, in this case, the case has been adjourned repeatedly from the year 2019 for the purpose of cross-examination.

5. Heard both sides and perused the materials available on record.

6. It is seen that the petitioner has let in evidence in Chief as early as 25.02.2019. However, the case has been repeatedly adjourned without any progress.

7. In view of the above, a direction is issued to the learned Judicial Magistrate, Fast Track Court, Poonamallee to complete the Trial in S.T.C.No.562 of 2018 and dispose the same as expeditiously as possible, within a period of four months from the next hearing date. This Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The Judicial Magistrate,
Fast Track Court,
Poonamallee.



2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.V.Premkumar, Advocate, S.R.No.19560

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SV (CO)
PBS/11/04/2022