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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.9342 OF 2022

N.Manickam

... Petitioner

Vs

Velmurugan

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate No.1 of Coimbatore to dispose of the case in C.C.No.553 of 2016, within a time limit fixed by this Court.

For Petitioner : Mr.M.Saravanakumar

ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.1 of Coimbatore to dispose of the case in C.C.No.553 of 2016, within a time limit fixed by this Court.

2. The case of the prosecution is that on 01.07.2015, the respondent borrowed a hand loan from the petitioner for a sum of Rs.4,50,000/- at the rate of Rs.1.50% interest per month for his urgent family expenses and executed a loan undertaking affidavit and on-demand promissory note in favour of the petitioner. He had also undertaken to repay the said amount within a period of four months from 01.07.2015. Thereafter, the respondent failed to pay the interest and principal towards the said loan amount and in spite of the petitioner's repeated reminders, the respondent issued a cheque on 30.10.2015, bearing No.994071, drawn on State Bank of India, Red Fields Branch, Coimbatore in favour of the petitioner for a sum of Rs.4,77,000/-.The petitioner, after presenting the cheque, the same was returned dishonored with an endorsement "Funds



Insufficient". The petitioner has also sent RPAD legal notice dated 29.11.2015 and there was no response for the same from the respondent. Hence the petitioner filed a private complaint before the learned Judicial Magistrate No.1, Coimbatore in C.C.No.553 of 2016 under Section 200 of Cr.P.C., r/w Section 138 of Negotiable Instruments Act, against the respondent for dishonor of cheque to the tune of Rs.4,77,000/-.

3. The learned counsel for the petitioner would submit that the learned Judicial Magistrate No.1, Coimbatore, issued Non-Bailable Warrant against the respondent on 10.10.2017, the respondent had appeared before the Court and the Non-Bailable Warrant was recalled on 10.02.2021, without any condition and sureties and after that, the case was posted for copies on 09.04.2021. The respondent remained absent from 09.04.2021 and chosen to file a petition to condone absence before the Trial Court concerned and the case was posted on 29.04.2022. Subsequently, the respondent in order to delay the trial have been adopting the dilatory tactics by absenting and thereby, the Court is unable to proceed further. Further repeatedly, the case has been adjourned and the case has been now posted for hearing on 18.05.2022. Thereby the present petition has been filed to issue a direction to the learned Judicial Magistrate No.1, Coimbatore, to dispose of the case in C.C.No.553 of 2016, within a time frame to be stipulated by this Court.

4. Heard the learned counsel for the petitioner and perused the material available on records.

5. Perusal of the materials, shows that the respondent has been adopting dilatory tactics to delay the progress of trial. There had been no progress for more than four years and now the case has been posted on 18.05.2022.

6. In view of the above, a direction is issued to the learned Judicial Magistrate No.1, Coimbatore, to insist for the appearance of the accused / respondent and serve copies and proceed with trial and ensure that the trial is completed within a period of 4 months from the next hearing date i.e., 18.05.2022. Accordingly, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

gsk



To

The Judicial Magistrate No.1,
Coimbatore.

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+1cc to M/s.M.Saravanakumar, Advocate, S.R.No.29447

Cr1.O.P.No.9342 of 2022

AJS (CO)
RLP (20/05/2022)