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Crl.O.P.No.24940 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

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M/s K.RSK Housing (India) Pvt. Ltd.,
rep. by its Director and Power Agent
Mr.Ramesh Kumar C.Soningara,
s/o Champalaji Soningara,
Old No.13A, New No.45,
Ground Floor, Ormes Road,
First Cross, Kilpauk, Chennai 600 010.

... Petitioner

Vs.

1. M/s Vaasan Medical Centre India Pvt.Ltd.,
Rep. by its Managing Director Dr.A.M.Arun,
No.15-A, Main Road, Thillai Nagar,
Trichy 620 018.
2. Dr.A.M.Arun, Managing Director,
M/s Vaasan Medical Centre India Pvt.Ltd.,
No.15-A, Main Road, Thillai Nagar,
Trichy 620 018.
Also at, No.1A, Annamalai Nagar Main Road,
Thillai Nagar, Trichy 620 018.



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3. Mrs. Meera Arun, Director,
M/s Vaasan Medical Centre India Pvt.Ltd.,
No.15-A, Main Road, Thillai Nagar,
Trichy 620 018.
Also at, No.1A, Annamalai Nagar Main Road,
Thillai Nagar, Trichy 620 018.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Metropolitan Magistrate, Fast Track Court-IV, George Town at Chennai to dispose of CC No.1226 of 2019 within a time frame to be fixed by this Court.

For Petitioner : Mr.A.S.Neela Narayani

ORDER

This Criminal Original Petition has been filed to direct the learned Metropolitan Magistrate, Fast Track Court-IV, George Town at Chennai to dispose of CC No.1226 of 2019 within a time frame to be fixed by this Court.

2. The learned counsel for the petitioner submitted that the petitioner company had filed a complaint under Section 138 of Negotiable Instruments Act against the respondents and it was taken on file as C.C.No.1226 of 2019 by the Metropolitan Magistrate, Fast Track Court-IV, George Town at Chennai. He further submitted that, the case is pending from the year 2019



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without any progress and hence the Jurisdictional Magistrate may be directed to dispose the case, within a time frame, as fixed by this Court.

3. A perusal of the Diary extracts of C.C.No.1226 of 2019 reveals that, after service of notice to the respondents, the case was posted on 27.11.2019 and 03.01.2020 for questioning under Section 88 of Cr.P.C. Thereafter, since A2 and A3 were absent, bailable warrant was issued against them on 03.01.2020 and thereafter, the case was periodically adjourned till 10.08.2022. On 10.08.2022, the Bailable Warrant against A3 was recalled and it was reported that A2 died. Now, the case is pending for appearance of A3 and steps for A1. In such circumstances, when the case is pending for appearance of A3 and steps for A1, this Court is of the view that, no direction can be issued to the Trial Court to complete the Trial, within a specific time. Therefore, this petition has no merits and the same is liable to be dismissed.

4. Accordingly, this Criminal Original Petition is dismissed.

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V.SIVAGNANAM, J.

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