



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P(MD)No.663 of 2022

D.Chandrakrishnan
through his Power of Attorney
D.Mariyappan
S/o.D.Mariyappan
... Petitioner
Vs.

M.Sitambalam Jeyasingh
... Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate/Fast Track Court (Magisterial Level) in charge Principal District Munsif, Tuticorin, Tuticorin District to expedite proceedings to record the sworn statement of the petitioner filed in Cr.M.P.No.4315 of 2019 on the file of the Judicial Magistrate/Fast Track Court (Magisterial Level), Tuticorin, Tuticorin District within and to take cognizance if in order within a specific period.

For Petitioner : Mr.KA.Raamakrishnan

O R D E R

The petitioner filed a private complaint under Section 200 of CrPC to prosecute the respondent herein for having committed the offence under Section 138 of Negotiable Instruments Act.

2.The complaint was filed on 30.09.2019. Till date, even sworn statement of the complainant has not been taken. The cognizance of the offence is yet to be taken. To direct the Court below to record the sworn statement in Cr.M.P.No.4315 of 2019, this criminal original petition came to be filed.

3.Expressing my surprise, I called upon the learned counsel for the petitioner as to why the sworn statement has not been taken sofar. He submitted that the post of Judicial Magistrate (Fast Track Court) meant to handle cheque dishonor cases is vacant for the last two years. As a result, hundreds of cheque dishonor complaints have not even been numbered or taken on file. In my view, this is not an acceptable state of affairs. Under Section 483 of CrPC, High Court has the duty to ensure proper and expeditious disposal of cases. The In-charge Magistrate is therefore directed to take the



petitioner's sworn statement on 28.01.2022, which is said to be the next hearing date. The In-charge Magistrate should not be under the impression that their job only to assign dates.

4.This criminal original petition is allowed accordingly.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Judicial Magistrate/Fast Track Court (Magisterial Level)
In charge Principal District Munsif,
Tuticorin, Tuticorin District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

(The Registrar (Judicial) is directed to draw the attention of the Hon'ble Administrative Judge about the grievance expressed by the Tuticorin Bar)

Crl.O.P (MD) No.663 of 2022
12.01.2022

NSN (CO)
GC (24.01.2022) 2P 4C