



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Friday, the Twenty Eighth day of October Two Thousand and Twenty
Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.2911 of 2021

R.Loganathan ... Petitioner/Accused

Vs

K.Karthikeyan ... Respondent/Complainant

Prayer :-

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the complaint made in STC.No.08 of 2021 on the file of Judicial Magistrate(Fast Track Court),Theni and quash the same.

ORDER:- This Criminal Original Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon perusing the letter in D.No.650 of 2022 dated 14/09/2022 of the Judicial Magistrate (Fast Track Court (M.L), Theni, this Court made the following order:

The learned Judicial Magistrate holding the Full Additional Charge of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Theni in letter in D. No.650 of 2022 dated 14.09.2022 has sought three months further time to dispose of the case in S.T.C.No.8 of 2021.

2. This Court as per the order dated 28.04.2022 had dismissed the in Crl.O.P(MD) No.2911 of 2021 directing the trial Court to dispose of the case in STC No.8 of 2021 within a period of three months from the date of receipt of a copy of this order.

3.The order dismissing the Criminal Original Petition was passed on 28.04.2022. Copy of the order was received by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Theni, on 10.06.2022. As per the remarks offered, the case ought to have been disposed of before the month of September 2022. It is at the stage of examination of DW.1. Therefore, he seeks further time to dispose of the case.



4. Since the case reached the stage of examination of it is the duty of the accused to produce witnesses. The learned Judicial Magistrate holding the Full Additional Charge of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Theni, shall act as a Presiding Judge. He shall direct the accused to produce witnesses promptly. As the case having reached the stage of examination of D.W.1 he need not grant adjournment on the whims and fancies of the accused. The case has to be adjourned on day-to-day basis from Monday to Tuesday, Tuesday to Wednesday, likewise within a period of 10-15 days, the entire proceedings have to be concluded by the Presiding Judge. He has to act as a Judge and not on the whims and fancies either to the litigant or to the appearing Counsel.

5. The Fast Track Court has been constituted only for earlier disposal of the cases. Therefore, he has to be aware of the provisions. He shall not remain a mute spectator. He shall be an indulgent Judge. He shall hold the Court and shall not be a mute spectator. He has to remain as Judge as a Presiding Judge and had to be assertive in holding the proceedings. Therefore, the request of the learned Judicial Magistrate seeking further three months of time, is rejected. However, sufficient time is granted and the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Theni, shall examine Defence Witnesses within 15 days and shall hear the arguments and pronounce judgments within a period of one month from the date of receipt of a copy of this order and report compliance before this Court.

TO

1. The Judicial Magistrate, (FAC),
Fast Track Court (M.L), Theni.

2. The Chief Judicial Magistrate, Theni.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 28/10/2022

=====

ORDER

=====

CRL OP(MD). No.2911 of 2021

Giving direction and etc.
as stated within.



WEB COPY

CRL OP(MD).



21