



CrI.O.P.(MD) No.4777 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD) No.4777 of 2020

and

CrI.M.P.(MD) Nos.2736 and 2737 of 2020

C.Ravichandran,

: Petitioner

Vs

M/s.Hdb Financial Services Ltd,
Rep. by Associate Legal/authorized Signatory
Mr.R.Madhu Kumar,
50/1, Palanganatham Bye Pass Road,
Vmr Complex,
Vasanthanagar, Madurai-625003.

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records pertaining to the private Complaint in S.T.C.No.729 of 2018 pending before the learned Judicial Magistrate No.I, Fast Track Court, at Magistrate Level, Madurai District filed under section 200 of the Code of Criminal Procedure code for offences under Section 138 of Negotiable Instrument Act and quash the same as illegal.



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For Petitioner : Mr.T.Lajapathi Roy
For Respondent : Mr.M.Kannan

ORDER

This Criminal Original Petition had been filed seeking to quash the charge sheet in S.T.C.No.729 of 2018, pending before the learned Judicial Magistrate No.I, Fast Track Court at Magistrate Level, Madurai District.

2.The learned Counsel appearing for the petitioner would submit that the trial in S.T.C.No.729 of 2018 is at part heard stage and it would be suffice if the trial Court is directed to dispose of the case within a time stipulated.

3.The learned Counsel appearing for the respondent would submit that time frame may be fixed to dispose of the said case.

4.Considering the submissions made by the learned Counsel appearing on either side and taking note of the fact that the trial had already been commenced, the learned Judicial Magistrate No.I, Fast Track Court at Magistrate Level, Madurai District is directed to complete the trial in S.T.C.No.729 of 2018 and dispose of the same as expeditiously as possible,



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preferably, within a period of two months, from the date of receipt of a copy of this order.

5. With the above direction, this Criminal Original Petition stands disposed of.

6. Considering the facts and circumstances of the case, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that he shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on the hearings, specifically directed by the trial court. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing her will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment



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of Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath*

Singh, reported in *2001 (4) SCC 667*.

7. Consequently, connected miscellaneous petitions are closed.

07.12.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

lr

To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

lr

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