



Crl.O.P(MD)No.16636 of 20

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P(MD).No.16636 of 2022

R. Karthikeyan,

: Petitioner

Vs

B. Ganeshwari,

: Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to Direct the learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai, to expedite the trial in S.T.C.No. 236 of 2015, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Prabha

ORDER

This criminal original petition had been filed seeking direction to the learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai, to expedite the trial in S.T.C.No. 236 of 2015.



2. When the case came up for hearing on 14.11.2022, this Court had sought for remarks from the learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai. As per the remarks offered by the learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai, the document had been sent to Regional Forensic Science Laboratory, Madurai, through Advocate Commissioner and on 22.03.2019, the Deputy Director, Regional Forensic Science Laboratory, Madurai, had requested for further documents vide letter in D.No.191/2021, dated 09.02.2021.

3. The learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai, is directed to send the very same Advocate Commissioner with a requisition letter to the Deputy Director, Regional Forensic Science Laboratory, Madurai, for receipt of opinion regarding comparison of signature/thumb impression, without any delay. The learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai, has to take steps for obtaining the relevant records already sent to the Forensic Department. The party, who had requested for sending the document for forensic examination through Advocate Commissioner has to pay the requisite expenses. The learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai, shall pass appropriate orders.



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4.After receipt of the opinion on sealed cover from the Deputy Director, Regional Forensic Laboratory, Madurai, the learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai, shall proceed with the trial.

5.Since this case arising out of Section 138 of Negotiable Instruments Act, usually, the complainant will be P.W.1 and the Bank Officials will be the other witnesses. Much time is not necessary as in the cases arising out of police investigation report. Therefore, the learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai, is directed to complete the recording of witness of this case, without much delay. Also, the learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai, is directed when the trial commenced, if the accused absconds, non-bailable warrant may be issued and the bail bond executed by the accused shall be cancelled, as per the reported ruling of the Hon'ble Supreme Court in the case of ***P.K.Shaji Vs. State of Kerala.***

6.When the witnesses are available, the learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai, shall prevail upon the learned Counsels appearing for the accused to cross-examine the witnesses then and



there on the day of their deposition before the Court. Also, the learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai is directed to follow the reported ruling of the Hon'ble Supreme Court in ***Vinoth Kumar Vs. State of Punjab***. Adjournment shall not be granted and power under Section 311 Cr.P.C shall not be exercised leniently particularly, in cases where the direction from this Court, the learned Judicial Magistrate No. II, Fast Track Court, Magistrate Level, Madurai, is directed to dispose of the case within the reasonable period of three months from the date of receipt of a copy of the forensic report.

In the result, this criminal original petition is disposed of.

22.11.2022

Index : Yes/No
Internet : Yes/No
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To

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



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SATHI KUMAR SUKUMARA KURUP, J.

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