



CrI.O.P.(MD) No.16291 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD)No.16291 of 2023

S.R.Mathan

... Petitioner

Vs.

V.Sankar

..Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate to dispose of the case in C.C.No.194 of 2021 pending before the Judicial Magistrate, Rajapalayam as expeditiously as possible within a stipulated time frame fixed by this Court.

For Petitioner :Mr.D.Deepak Arasu

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking for a direction to the learned Judicial Magistrate, Rajapalayam, to dispose of C.C.No.194 of 2021 as expeditiously as possible.



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2.It is submitted by the learned counsel for the petitioner that the petitioner has filed a complaint against the respondent for the offence punishable under Section 138 of Negotiable Instrument Act and even though the petitioner has been cooperating and appearing before the Court, on account of the non-cooperation from the respondent/accused, the matter is being adjourned from time to time. Therefore, sought for suitable directions.

3.Heard the learned counsel on either side and perused the records.

4.The petitioner has filed a copy of the 'B' diary, which would go to show that on 20.01.2023, the complainant was examined as P.W1 and Ex.P.1 to Ex.P.6 were marked and on the request made by the respondent, cross examination of P.W1 was deferred. Subsequently, the learned Magistrate has given 6 adjournments for cross-examination of P.W1 and strangely from 28.08.2023, the matter was adjourned to a long date ie., 06.11.2023.



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5. This Court and the Hon'ble Apex Court has directed many times that once the chief examination was recorded invariably, the cross-examination shall also be made on the very same day without giving any deferment except in extreme circumstances. But in this case, the learned Magistrate has liberally adjourned the matter. In view of the above, the learned Judicial Magistrate, Rajapalayam is directed to strictly adhere to the directions given by the Hon'ble Apex Court so far as recording of witnesses in the Court. Considering the circumstances, the Judicial Magistrate, Rajapalayam is directed to dispose of CC.No.194 of 2021 as quickly as possible, not later than three months from the date of receipt of a copy of this order. Accordingly, this Petition is disposed of.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

13.09.2023

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To

1. The Judicial Magistrate, Rajapalayam.

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

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DR.D.NAGARJUN. J.

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