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CrL.OP.No.18678 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrL.OP.No.18678 of 2024

M/s.Jaith Steel,
Rep by its Partner N.Akbar Ali,
Office New No.45, Old No.24,
Venkatamaistry Street, G-Block,
2nd Floor, Chennai-600 001.

... Petitioner

Vs.

1. M/s.Sri Senthil Steel Company,
Represented by its Proprietor
T.Rajendran,
132, Kannaiyan Street,
(Opp) KSS Mahal Thirunagar Colony,
Erode-638 003.
2. T.Rajendran,
Proprietor,
Sri Senthil Steel Company,
75/132, Kannaiyan Street,
(Opp) KSS Mahal Thirunagar Colony,
Erode-638 003.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Suraksha Sanhita to direct the trial Court to complete the trial expeditiously within a time frame in respect of the case in S.T.C.No.1305 of 2021 pending on the file of Metropolitan Magistrate, FTC IV, George Town, Chennai.



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CrL.OP.No.18678 of 2024

For Petitioner : Ms.N.Gayathri
for Mr.S.Thiruvengadam

ORDER

The petitioner herein is the complainant in S.T.C.No.1305 of 2021 on the file of the learned Metropolitan Magistrate, FTC IV, George Town, Chennai is before this Court seeking direction for speedy disposal of the complaint initiated under Section 138 of Negotiable Instruments Act.

2. The learned counsel for the petitioner submits that proof affidavit filed on behalf of the complainant in lieu of chief examination as early as on 26.09.2022. The evidence of P.W.1 was closed, but re-open at the instance of the accused by filing an application under Section 311 of Cr.P.C. Despite re-call of witness, the accused failed to cross-examine and hence, the evidence of P.W.1 was closed for the second time. Again and again, the accused filed application under Section 311 of Cr.P.C to re-call the witness for the second time and the same was also allowed by the trial Court. Thereafter, on closure of the prosecution side witness, the matter was posted for questioning the accused under Section 313 of Cr.P.C on 06.02.2024 and thereafter adjourned for defence side witness



CrL.OP.No.18678 of 2024

inspite of affording more than six opportunities to marshall the defence side witness, the accused has not taken any steps to examine his witness.

Therefore, seeks direction for the trial Court to expedite the trial.

3. This Court from the submissions of the counsel appearing for the petitioner finds that the accused had not availed the right of examining the witness on his side inspite of several opportunities. Therefore, it is suffice to direct the trial Court to take note of the inordinate delay on the part of the accused in marshalling his witness inspite of affording opportunity and pass appropriate order if the accused failed to marshall his witness on the next hearing date i.e., 29.08.2024 and thereafter proceed further in accordance with law and complete the trial without any further delay.

4. With this direction, Criminal Original Petition is disposed of.

05.08.2024

Vv

To



CrL.OP.No.18678 of 2024

The Metropolitan Magistrate,
FTC IV, George Town, Chennai.

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Dr.G.JAYACHANDRAN,J.

Vv



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CrI.OP.No.18678 of 2024

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