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CrI.O.P.No.23448 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.23448 of 2024

E.Sathishkumar

... Petitioner

Vs.

Karthikeyan

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to direct the learned Judicial Magistrate, Fast Track Court, Magistrate Level, Thiruvannamalai to dispose the S.T.C.2/2022 at the earliest within the time fixed

For Petitioner : Mr.M.Ram Navi Krishnan

ORDER

This Criminal Original Petition is filed seeking direction to the Judicial Magistrate, Fast Track Court, Magisterial Level, Tiruvannamalai to dispose of S.T.C.No.02 of 2022 at the earliest within the time prescribed.

2. The learned counsel appearing for the petitioner, who is an



CrI.O.P.No.23448 of 2024

accused in the said case for an offence under Section 138 of Negotiable Instruments Act, submitted that for unnecessary reason, the case been frequently adjourned and the complainant has not appeared before the Court and filing an application under Section 256 Cr.P.C., to condone his absence.

3. The extract of adjudication annexed in the petition read over to this Court by the learned counsel for the petitioner to emphasize that the delay in disposal of S.T.C.No.02 of 2022 is due to non cooperation of the complainant.

4. The perusal of the case status show that on the side of the complainant, PW.1 and PW.2 were examined and 8 Exhibits were marked. When the matter was posted for questioning the accused under Section 313 Cr.P.C., on 07.02.2024, the petitioner herein had filed an application under Section 311 Cr.P.C., to recall PW.1 and PW.2 and cross examine them. Thereafter, the case been adjourned from time to time, so far cross examination of PW.1 not completed. The petitioner has changed a new counsel on 12.09.2024 after cross examining PW.1 in part and the matter is now posted to 08.10.2024.



Crl.O.P.No.23448 of 2024

WEB COPY 5.

In the said circumstances, this Court finds that the delay in completion of the trial is partly attributed by the petitioner itself and if the petitioner completed the cross examination of PW.1 and also PW.2 on the day when they present, there may not be any impediment for the trial Court to proceed with the case. Therefore, this Criminal Original Petition is disposed of with the observation that the petitioner shall complete the cross examination of PW.1 as well as PW.2 on the next hearing date and on such completion of cross examination of witnesses, the Magistrate shall proceed with the next stage and complete it without granting any longer adjournments.

25.09.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

The Judicial Magistrate, Fast Track Court, Magistrate Level,
Thiruvannamalai

Dr.G.JAYACHANDRAN,J.

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25.09.2024