



Crl.O.P.(MD)No.20795 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20795 of 2024

B.Saravanakumar

.. Petitioner

Vs

Sankar

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned District Munsif cum Judicial Magistrate, Peraiyur, Madurai District to complete the trial in S.T.C.No.236 of 2022 within a time frame fixed by this Court.

For Petitioner : Mr.S.Muthukumar

ORDER

This Criminal Original Petition has been filed to direct the learned District Munsif cum Judicial Magistrate, Peraiyur, Madurai District to complete the trial in S.T.C.No.236 of 2022 within a time frame fixed by this Court.



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2. The petitioner as complainant has filed a private complaint under Section 138 of the Negotiable Instrument Act against the respondent in STC No.236 of 2024.

3. The contention of the petitioner is that the respondent had received a sum of Rs.7,00,000/- on 03.05.2017 on the promise that he would get employment in Railway Department and thereafter, he never got any employment and later agreed and repaid the amount by way of cheque. When the cheque was presented, it got dishonoured. After following the statutory provisions , complaint filed. The case taken on file and the petitioner was examined as P.W.1 and marked documents Ex.P.1 to P.11 on 09.06.2023 and thereafter, he was cross-examined on 23.06.2023 and 24.11.2023. Thereafter, the case was posted for questioning of the respondent and the respondent was questioned on 01.03.2024. The respondent sought time to examine witnesses on his side and the case got periodically adjourned from 01.12.2023, and the trial Court is mechanically adjourning the case without taking effective steps to complete the trial.



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4. In this case, it is seen that the evidence of the complainant is closed and thereafter, the accused has been questioned under Section 313 of Cr.P.C and the case is at the defence stage, giving periodical adjournment without any progress is not proper.

5. It is also stated that the case stands posted to 20.12.2024. In view of the above, this Court directs the trial court and ensure that the defence witnesses are examined on 20.12.2024 and thereafter, to conclude the trial proceedings within a period of one month therefrom.

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

28.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

The District Munsif cum Judicial Magistrate, Peraiyur, Madurai District



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M.NIRMAL KUMAR,J.

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