

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 30TH DAY OF MARCH 2021 / 9TH CHAITHRA, 1943

Cr1.MC.No.2115 OF 2020(D)

CC 842/2019 OF TEMPORARY COURT OF JUDICIAL MAGISTRATE OF
FIRST CLASS, THIRUVANANTHAPURAM (JMFC XII)

PETITIONER/S:

K.R.PRASAD
AGED 60 YEARS
S/O. KAMAPALAN, RESIDING AT DEVADARU
T.C.79/883(4), KOCHUVELI RAILWAY STATION ROAD,
CHARUMOODU, KARIKKAKOM, THIRUVANANTHAPURAM
DISTRICT, PIN-695 021.

BY ADVS.
SRI.J.R.PREM NAVAZ
SHRI.SUMEEN S.

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN-682 031.
- 2 KRISHNAN RAMASWAMY
AGED 58 YEARS
S/O. RAMASWAMY KRISHNA IYER, RESIDING AT FLAT
NO.3E, PARADISO APARTMENTS, FRIENDS LANE,
PARADISE ROAD, VYTILLA, ERNAKULAM DISTRICT,
PIN-682 019.

OTHER PRESENT:

SR.PP.C.S.HRITHWIK

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30.03.2021, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER

Dated this the 30th day of March, 2021

The petitioner is the complainant in C.C.No.842 of 2019 on the files of the Judicial First Class Magistrate Court-XII, Thiruvannathapuram, filed against the second respondent herein alleging commission of the offence under Section 138 of the N.I.Act. As per the averments in the complaint, cheque for an amount of Rs.50,57,135/- issued by the second respondent towards discharge of his liability to the petitioner had bounced due to insufficiency of funds in the second respondent's account. The second respondent having failed to pay the amount in spite of a demand being made through a lawyer notice, the complaint was filed. The petitioner, who is a senior citizen and a businessman, is

aggrieved by the delay in deciding the case.

2. In the report called for, the Jurisdictional Magistrate has stated that even though summons was issued to the accused requiring him to be present on 18.10.2019, the accused did not appear and the case had to be adjourned by notification thereafter. It is reported that notice has been given to the Counsel for the complainant to take proper steps for ensuring the accused's presence and that, it will be possible to dispose the case within eight months.

In the light of the report, the Cr1.M.C is disposed of, directing the Judicial First Class Magistrate Court-XII, Thiruvananthapuram to dispose C.C.No.842 of 2019 within ten months of receipt of a copy of this order.

Sd/-
V.G.ARUN
JUDGE

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A1	THE TRUE COPY OF THE LAWYERS NOTICE ISSUED BY THE PETITIONER TO THE RESPONDENT.
ANNEXURE A2	THE TRUE COPY OF THE REPLY NOTICE ISUSED TO THE PETITIONER BY THE 2ND RESPONDENT.
ANNEXURE A3	THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE COURT XII, THIRUVANANTHAPURAM, THIRUVANANTHAPURAM DISTRICT AGAINST THE 2ND RESPONDENT.
ANNEXURE A4	THE TRUE COPY OF TREATMENT RECORDS OF THE PETITIONER'S NEPHEW ISSUED FROM LAKESHORE HOSPITAL.