



WEB COPY

Crl. O.P. No.1402 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl. O.P. No.1402 of 2026

S.Sakthivel

..Petitioner

Vs

M.Thamotharan

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita to direct the learned Judicial Magistrate No.I, Salem, to dispose the case in S.T.C.No. 4848/2023 with a time frame to be fixed by this Court as expeditiously as possible.

For Petitioner :

Mr.S.Kanmani Annamalai

ORDER

This criminal original petition has been filed by the petitioner/*de facto* complainant seeking expeditious disposal of S.T.C.No. 4848/2023 pending on the file of the learned Judicial Magistrate No.I, Salem, arising out of the complaint filed under Section 138 of the Negotiable Instruments Act, 1881.



2. The learned counsel for the petitioner submitted that the case is of the year of 2023 and respondent accused is repeatedly taking time to protract the proceedings. He further submitted that the petitioner was examined-in-chief on 05.04.2025 and the respondent/accused has not cross-examined the petitioner despite several opportunities having been granted to him and thereby the evidence on the side of the petitioner was closed and the case now stand posted for defence witness. He further submitted that the learned Magistrate, without following the mandate of law under Section 143(3) of the Negotiable Instruments Act, 1881, is repeatedly granting time. Therefore, the learned counsel appearing for the petitioner prays for the indulgence of this Court to direct early disposal of the case.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. This Court's attention has been drawn to Section 143 (3) of NI Act, as per which, the trial court is bound to conduct trial as expeditiously as possible. Section 143(3) of NI Act is as below:-

“Every trial under this section shall be conducted as expeditiously as possible and an



endeavour shall be made to conclude the trial within six months from the date of filing of the complaint.”

5. Considering the fact that the case is of the year 2023 and the same has been pending for the past three years and also in view of Section 143(3) of the NI Act, this Court directs the learned Judicial Magistrate No.I, Salem, to dispose of the case in S.C.No.4848 of 2023, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

6. With the above direction, this criminal original petition stands disposed of.

27-01-2026

Neutral Citation: Yes/No
MRN

To
The Judicial Magistrate No.I, Salem.



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A.D.JAGADISH CHANDIRA, J.

MRN

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