

(2022) 10 KL CK 0039

In the High Court Of Kerala

Case No : Original Petition (CRL.) Nos.386, 388, 389, 390, 392, 393, 397, 471
Of 2022

S. Balachandran

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 07-10-2022

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138

Citation : (2022) 10 KL CK 0039

Hon'ble Judges : A. Badharudeen, J

Bench : Single Bench

Advocate : P.Mohandas, K.Sudhinkumar, S.K.Adhithyan, Sabu Pullan, Gokul D. Sudhakaran, K.P.Satheesan, Renjit George

Final Decision : Allowed

Judgement

A. Badharudeen, J

1. The prayer in O.P.Crl.No.386 of 2022 is early disposal of S.T.No.2235 of 2020, pending before the Judicial First Class Magistrate Court (Temporary), Chavara, within a time frame fixed by this Court.

2. The prayer in O.P.Crl.No. 388 of 2022 is early disposal of S.T.No.2025 of 2020, pending before the Judicial First Class Magistrate Court (Temporary), Chavara, within a time frame fixed by this Court.

3. The prayer in O.P.Crl.No.389 of 2022 is early disposal of S.T.No.1864 of 2020, pending before the Judicial First Class Magistrate Court (Temporary), Chavara, within a time frame fixed by this Court.

4. The prayer in O.P.Crl.No.390 of 2022 is early disposal of S.T.No.1863 of 2020, pending before the Judicial First Class Magistrate Court (Temporary), Chavara, within a time frame fixed by this Court.

5. The prayer in O.P.Crl.No.392 of 2022 is early disposal of S.T.No.2226 of 2020,

pending before the Judicial First Class Magistrate Court (Temporary), Chavara, within a time frame fixed by this Court.

6. The prayer in O.P.Crl.No.393 of 2022 is early disposal of S.T.No.2208 of 2020, pending before the Judicial First Class Magistrate Court (Temporary), Chavara, within a time frame fixed by this Court.

7. The prayer in O.P.Crl.No.397 of 2022 is early disposal of CMP.No.327 of 2020, pending before the Judicial First Class Magistrate Court (Temporary), Chavara, within a time frame fixed by this Court.

8. The prayer in O.P.Crl.No.471 of 2022 is early disposal of S.T.No.115 of 2021, pending before the Judicial First Class Magistrate Court (Temporary), Chavara, within a time frame fixed by this Court.

8. In O.P.Crl.386 of 2022, report has been called for from the Judicial First Class Magistrate Court (Temporary), Chavara and as per report dated 15.09.2022, the learned Magistrate sought four months' time to dispose of S.T.No.2235 of 2020. In the other cases, no report called for.

9. It is pointed out by the learned counsel for the petitioner that transactions involved in these cases relate back to 2013 and in bail application No.7489/2017 filed by the accused, the matter was referred to mediation. Thereafter, as per Ext.P1 mediation agreement, the dispute was settled by issuance of cheques involved in these cases on the assurance of payment on the dates shown therein. However, when the cheques were presented for collection, the same got dishonoured for want of funds and accordingly, the petitioner launched prosecution. Therefore, early disposal of these matters is absolutely necessary.

10. Since disposal of complaint alleging commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 is statutory and also settled by the Apex Court, there is no reason to deny the relief sought for.

In the result, all the petitions stand allowed. It is ordered that the learned Judicial First Class Magistrate Court (Temporary), Chavara shall dispose of S.T.Nos.2235 of 2020, 2025 of 2020, 1864 of 2020, 1863 of 2020, 2226 of 2020, 2208 of 2020, 115 of 2021 and CMP.No.327 of 2020, within a period of five months, from the date of receipt or production of a copy of this judgment.

Registry is directed to forward copy of this judgment to the court below concerned, within two weeks, for information and compliance.