

(2023) 07 KL CK 0242

In the High Court Of Kerala

Case No : Original Petition (Crl) No. 583 Of 2023

S.Philipose

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 31-07-2023

Acts Referred:

Constitution of India, 1950 — Article 227
Code of Criminal Procedure, 1973 — Section 313
Negotiable Instruments Act, 1881 — Section 138, 143(3)

Citation : (2023) 07 KL CK 0242

Hon'ble Judges : A. Badharudeen, J

Bench : Single Bench

Advocate : Joby Jacob Pulickeedy, Anil George, Smitha Philipose, Dajish John, Ashik Tom, Alex Kevin George, Aakhil Mohammed.P.M, P G Manu

Final Decision : Disposed Of

Judgement

A. Badharudeen, J

1. This Original Petition (Criminal) has been filed under Article 227 of the Constitution of India, and the prayer in this petition is to direct the Judicial First Class Magistrate Court-V, Palakkad to take up and dispose of S.T.No.135/2019 pending before that court.
2. Considering the short prayer, notice to the other side stands dispensed with.
3. It is submitted by the learned counsel for the petitioner that the matter stands adjourned for 313 Cr.P.C. examination indefinitely. According to the learned counsel for the petitioner, even though the matter has been pending for the last five years, the learned Magistrate is reluctant to dispose of the same.
4. In fact, as per the mandate of Section 143(3) of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the NI Act' for convenience), every trial alleging commission of offence under Section 138 of the NI Act 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. Despite that this matter has been pending for the last five years.

5. In this matter, the complaint is of the year 2018. Therefore, the learned Magistrate is directed to try and dispose of S.T.No.135/2019, pending before the Judicial First Class Magistrate Court-V, Palakkad, within a period of two months, from the date of receipt or production of a copy of this judgment.

This Original Petition (Criminal) stands disposed of as indicated above.

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