

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29130 of 2015

K.Bairavi

... Petitioner

Vs

State rep. by
The Inspector of Police,
Kirumambakkam Police Station,
Pondicherry.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to direct the learned Principal Subordinate Judge, Puducherry to expedite the trial in S.C.No.72 of 2009 pending before the Principal Subordinate Court, Puducherry in accordance with law.

For Petitioner : Mr.D.Anbarasan
For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor(Pondy)

O R D E R

The present Criminal Original Petition is filed seeking a direction to the learned Principal Subordinate Judge, Puducherry to expedite the trial in S.C.No.72 of 2009 pending before him, in accordance with law. सत्यमेव जयते

2. According to the petitioner, while she was working as a Staff Nurse at Mahatma Gandhi Medical College, Kirumambakkam, Pondicherry during the year 2004-2005, one Dr.Bhagyaraj, who was working in the same Medical College as an Assistant Surgeon, was in love with the petitioner and on the promise that he will marry her, he had a physical relationship with her. But, later, he refused to marry her. Hence, the petitioner preferred a complaint on 24.04.2007 to the respondent police against the said Bhagyaraj and a case was registered against the said accused under Sections 417 and 376 IPC. It is further stated that the respondent police investigated the matter and filed charge sheet before the learned Judicial Magistrate-I, Puducherry and thereafter, the case was committed for trial

before the learned Principal Subordinate Judge, Puducherry in S.C.No.72 of 2009.

3. The petitioner would further state that the accused filed a petition for discharge on 12.03.2010 before the Chief Judicial Magistrate, Puducherry to delay the trial. The petitioner filed a petition before this Court in CrI.O.P.No.611 of 2012 on 21.02.2012 for a direction to the Trial Court to expedite the trial as the discharge petition filed by the accused is pending for two years, in which this Court directed the Chief Judicial Magistrate, Puducherry to expedite the trial in S.C.No.72 of 2009. The discharge petition filed by the accused was dismissed, charges framed and trial commenced and all the witnesses including the petitioner were examined except the Investigation Officer. It is the grievance of the petitioner that the accused is influencing the witnesses and dragging the case for more than seven years. Hence, she has come up with this petition seeking a direction to the Principal Subordinate Judge, Puducherry to expedite the trial in S.C.No.72 of 2009.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Puducherry) appearing for the respondent.

5. When the matter is taken up for consideration, learned Government Advocate (Puducherry) submitted that almost all the prosecution witnesses were examined and the case is posted for examination of the Investigating Officer.

6. In view of the said submission and taking note of the facts and circumstances of the case, the Principal Subordinate Judge, Puducherry is directed to expedite the trial in S.C.No.72 of 2009, complete the same and dispose of the case preferably within a period of two months from the date of receipt of a copy of this order.

The Criminal Original Petition is disposed of with the above direction.

Sd/
ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To

1. The Principal Sub Judge,
Pondicherry.
2. The Judicial Magistrate,
No.I, Puducherry.
3. Do thro' The Chief Judicial Magistrate,
Puducherry.
4. The Inspector of Police,
Kirumambakkam Police Station,
Pondicherry.
5. The Public Prosecutor,
High Court, Madras.

+1 CC to MR.Anbarasan Advocate. SR.NO. 66153

CrI.O.P.No.29130 of 2015

CO-SR
JD 23/12/2015



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