



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:25.09.2015

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S.VIMALA

Crl.O.P. (MD) No.18440 of 2015

Kathirvel

.. Petitioner

Vs.

The Inspector of Police,
Devathanapatti Police Station,
Theni District.

(In Crime No.152 of 2015)

.. Respondents

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate, Periyakulam to expedite the trial in C.C.No.105 of 2015 within stipulated time.

For Petitioner : Mr.AK.Azagarsami

For Respondents : Mr.P.Kandasamy

Government Advocate (Crl. side)

ORDER

This petition has been filed seeking direction to the learned Judicial Magistrate, Periyakulam to expedite the trial in C.C.No.105 of 2015 within the stipulated time.

2. The petitioner/accused, who is anxious to get his enrollment after completing his law degree from Trichy Law College, has filed this petition. It is represented that already a Civil Suit is pending between himself and the defacto complainant and on account of that, this case has been foisted against him. The civil case is pending in O.S.No.214 of 2009 before the learned District Munsif, Periyakulam. There seems to be a case and a counter case in Crime No.151 of 2015 registered against the defacto complainant Alagirisamy and six others under Sections 147, 148, 323, 324 of IPC, which is pending. It is submitted that the case is posted on 04.11.2015 for hearing and an apprehension is expressed that the defacto complainant may be interested in dragging on the matter.

3. Speedy trial is the fundamental right of the accused. However it is made clear that no allegation has been made either against the Court or against anybody else. Considering his interest in getting the enrollment, this application has been filed.



4. According to the Government Advocate (Crl. Side), there are eight witnesses to be examined and it is possible to complete the examination of all witnesses as well as trial at the earliest point of time, preferably within a period of one month, in case no adjournment is sought on account of the boycott by either side.

5. Therefore it is made clear that boycott of Courts shall not be a valid ground for the accused persons to seek adjournments. Subject to this condition the learned Judicial Magistrate is directed to dispose of the trial preferably within a period of one month from the date of receipt of a copy of this order.

6. The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate, Periyakulam.
2. The Inspector of Police,
Devathanapatti Police Station, Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.AK.Azagarsami, Advocate Sr.No.56986
pjl/gsr
AA/AN-MP/08.10.2015/2p-5c

Crl.O.P. (MD) No.18440 of 2015
25.09.2015