



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2015

CORAM

THE HONOURABLE MRS.JUSTICE S.VIMALA

Crl.O.P.(MD)No.18475 of 2015

Fakkir Mohammed

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
(In Crime No.13 of 2008)

.. Respondents

Prayer:-Petition filed under Section 482 of Code of Criminal Procedure to direct the learned Judicial Magistrate No.2, Sivagangai to complete the trial and dispose of the case in C.C.No.15 of 2012 within the period that may be stipulated by this Court.

For Petitioner	: Mr.R.Gandhi
For Respondents	: Mr.P.Kandasamy Government Advocate (Crl.Side)

ORDER

This is a case where charge sheet, which has been taken on file on 09.01.2012, is kept under cold storage without any progress in the trial on the ground that A6 did not appear before the Court. Summons were ordered to be taken to A6 by order dated 19.03.2012 and it continued till 25.08.2015 for merely three years without any progress. If the Court is not able to get the summons served on A6, it is for the Court to take appropriate steps as contemplated under the provisions of Criminal Procedure Code, providing for various channels, through which summons can be issued (Sections 61 to 69) or by issuing warrant of arrest (Sections 70 to 81) or by invoking proclamation and attachment (Sections 82 to 86), including splitting up the case against A6. Nothing has been done. Unfortunately, the Trial Court has made the petitioner, who is a Senior citizen, aged about 68 years, to knock at the doors of this Court, seeking a direction to the lower Court for speedy trial.

2. Considering the present state of affairs, the learned Judicial Magistrate No.2, Sivagangai, is directed to split up the case as against A6 and to proceed with the trial of the case after framing charges. The whole exercise shall be completed preferably within a period of two months from the date of receipt of a copy of this order.

3. With the above direction, this Criminal Original Petition is disposed of.



/True copy/

Sub Assistant Registrar

pjl/gsr

To:

WEB COPY

- 1.The Judicial Magistrate No.2,
Sivagangai.
- 2.The Inspector of Police,
District Crime Branch,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+one cc to M/s.R.Gandhi, Advocate in SR.No.56910

Cr1.O.P. (MD)No.18475 of 2015
25.09.2015

CSL/AN-MP/12.10.2015
2p/5c