

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. No.11367 of 2016

1.Ammer Ali

2.Jabar Ali

... Petitioners

Vs.

M. Nasir Ussain

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Judicial Magistrate No.V, Coimbatore to expedite the trial in C.C. No.569 of 2006 and to complete the trial within a period of three months in accordance with law.

For Petitioners : Mr. T. Arul

ORDER

This Criminal Original Petition is filed seeking a direction to the Judicial Magistrate No.V, Coimbatore to expedite the trial in C.C. No.569 of 2006 and to complete the trial within a period of three months in accordance with law.

2. Heard the learned counsel for the petitioner.

3. The accused, who are facing prosecution in C.C.No.569 of 2006 before the Judicial Magistrate Court No.V, Coimbatore for offences under Section 499 and 500 IPC, are before this Court for a direction to the Trial Court to complete the trial expeditiously.

4. Since this case pending before the Trial Court is of the year 2006, this Court called for explanation from the Judicial Magistrate No.V, Coimbatore and the Magistrate has sent the following explanation:

"I humbly submit that C.C. No.569/06 on the file of this Court complainant Nazeer Hussain, Accused Ameer Ali and Others on the file of this Court was pending for further examination of P.W.1. I further humbly submit that on perusal of records the documents were filed in the above case was yet to be traced for marking of documents. Hence, this

case was posted for clarification regarding marking of documents for the past six hearings.

I further humbly submit that due the boycott of advocates, this case was not yet clarified regarding the marking of documents. I further humbly submit that necessary action initiated for disposal of above case at the earliest."

5. This Court is not satisfied with the explanation offered by the Magistrate, inasmuch as the explanation lacks necessary particulars to justify the reasons for prolonging the summons case for over ten years. Boycott of courts can be no reason for adjourning cases, as the Supreme Court, in Harish Uppal [Ex.Capt.] Vs Union of India [(2003) 2 SCC 45], has declared boycott of Courts as illegal. If the complainant or the accused does not cooperate in the trial, it is always open to the Trial Court to take firm action against him and even remand the accused to judicial custody, as held by the Supreme Court in State of Uttar Pradesh vs. Shambu Nath Singh, [JT 2001 (4) C 319].

6. Mr. Arul, learned counsel for the accused would submit that the written arguments were filed way back on 21.07.2011 and the case has been adjourned for the arguments of the complainant.

7. Under such circumstances, this Court directs the Judicial Magistrate No.V, Coimbatore, to complete the trial within a period of three months, provided the petitioners cooperate in the trial.

This petition stands disposed of with the above direction.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cad

To

The Judicial Magistrate No.V
Coimbatore.

+1cc to Mr.T.Arul, Advocate, S.R.No.41393

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