

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.23711 of 2016

1.Rajendran @ Mani
2.Ravi

Petitioners

Vs

The State rep by
The Inspector of Police
Palacode

Dharmapuri District 636 808 Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned Judicial Magistrate, Palacode to proceed the case expeditiously pending on the file of the learned Judicial Magistrate, Palacode in C.C.No.160 of 2012 and dispose of the case.

For petitioners : Mr.K.Sathish

For respondent : Mr.C.Emalias

Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the learned Judicial Magistrate, Palacode to proceed with C.C.No.160 of 2012 expeditiously and dispose of the case.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint lodged by Sivashanmugam, Advocate, the respondent police registered a case in Cr.No.298 of 2011 on 15.06.2011 and after completing the investigation, filed a Final Report in C.C.No.160 of 2012 before the Judicial Magistrate, Palacode against the petitioners herein for offences u/s 294(b) and 323 IPC. Charges were framed against the accused and they pleaded not guilty. Despite issuance of summons to L.Ws.1 to 5, the witnesses have not been produced before the trial Court.

4. Learned Additional Public Prosecutor submitted that since the de facto complainant Sivashanmugam, [L.W.1] and Kalpana [L.W.2], are practising Advocates, they are not appearing before the trial Court, despite issuance of summons.

It is also stated that they are not receiving the summons issued by the trial Court.

5. The police is directed to furnish to the Court the address of Sivashanmugam [LW.1] and Kalpana [L.W.2] and the trial Court is directed to send the summons by registered post directly to the address. If they do not appear to give evidence, the trial Court is directed to proceed further with trial in accordance with law and dispose of C.C.No.160 of 2012 within a period of six months from the date of receipt of a copy of this order, provided the petitioners co-operate by cross-examining the witnesses on the same day they are examined in chief.

With the above direction, this petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,Palacode,Dharmapuri District 636 808.

2.The Judicial Magistrate, Palacode.

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krd 1/12

Cr1.OP No.23711 of 2016

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