



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.10493 of 2016

Dr.E.Mageswari

... Petitioner/Defacto Complainant

-vs-

1. The Inspector of Police,
All Women Police Station,
Srirangam, Tiruchirappalli.

2. Dr.R.Shivakumar
3. Rajasekaran
4. Manimegalai
5. Sudha
6. Sugana

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to conclude the trial in C.C.No.29 of 2015 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli within a reasonable time as may be stipulated by this Honourable Court and thereby preventing the respondent accused from protracting the trial without unnecessary delay.

For Petitioner : Mr.T.Cibichakraborty

For R1 : Mr.K.V.Rajarajan
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed, seeking a direction to the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli to conclude the trial in C.C.No.29 of 2015 within a stipulated time.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for R1.



on which, the 1st respondent has registered a case in Crime No.21 of 2014 on 18.11.2014 under Sections 498(A), 294(b), 406 and 506 (i) IPC r/w Section 4 of TNPWH Act.

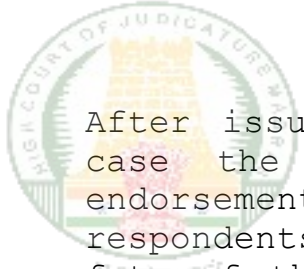
4. Learned counsel for the petitioner would submit that even though a charge sheet has been filed on 17.04.2015 and the case has been committed to the Additional Mahila Court, Tiruchirappalli, the case is being adjourned repeatedly without any justifying reasons.

4.1. The entries made in the docket would speak for itself and it would support the case of the petitioner that adjournment is mechanical.

Docket Entry:

15.05.2015	All Accused absent. C/o.24.06.2015
24.06.2015	A1,A3 Present. Another accused absent. Fresh summon to A2,A4, and A5. Call on 28.08.2015
28.08.2015	All accused absent. Call on 30.09.2015
30.09.2015	A1,A3 absent. Petition filed and allowed. Advocate Mr.Kajamohideen filed Memo of Appearance for A3 Advocate Mr.Dinesh Babu filed Memo of Appearance for A1 Issue Fresh Summon to A2,A4,A5. Call on 15.12.2015
15.12.2015	A1,A3 absent. Petition filed and allowed. Issue Fresh Summon to A2,A4,A5. Call on 27.01.2016
27.01.2016	A1,A3 absent. U/s.317 Cr.P.C.petition filed and allowed other accused absent. Fresh Summon to A2,A4,A5. Call on 23.02.2016.
23.02.2016	A1 Present. A3 called absent Petition U/s.317 filed and allowed. Fresh Summon to A2,A4,A5. Call on 04.04.2016
04.04.2016	A1 and A3 absent. Petition filed and allowed. Fresh Summon to A2,A4,A5. Call on 29.04.2016.
29.04.2016	A1 and A3 absent. Petition filed allowed. Fresh Summon to A2,A4,A5. Call on 20.05.2016.

5. The only order from 24.06.2015 to 29.04.2016 is, regarding issuance of summons to anyone of the accused persons.



After issuance of summons, the follow up action to be taken in case the summons is not served or returned unserved with endorsements is not at all taken. The order passed directing the respondents to issue summons continuously without ascertaining the fate of the previous summons issued would not help the Court in making progress in the trial of the case.

6. Having regard to the limited scope of prayer sought for, notice to R2 to R6 is dispensed with. Learned Judicial Magistrate, Additional Mahila Court, Tiruchirapalli is directed to follow the procedures contemplated in the Code of Criminal Procedure for securing the presence of the accused persons as well as the witnesses.

7. At this juncture, learned Government Advocate (Crl.Side) would submit that there are totally 11 witnesses and the 1st respondent will cooperate for the speedy disposal of the case by producing all the witnesses on the date to be fixed by the Trial Court.

8. Recording the said undertaking given by the learned Government Advocate (Crl.Side), learned Judicial Magistrate, Additional Mahila Court, Tiruchirapalli is directed to dispose of the case in C.C.No.29 of 2015 within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate,
Additional Mahila Court, Tiruchirapalli.
 2. The Inspector of Police,
All Women Police Station, Srirangam, Tiruchirappalli.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 cc to M/s.T.Cibichakraborty, Advocate in SR.No. 35133
ar
CSL/SS-2/22.11.2016: 3P/5C

Crl.O.P. (MD) No.10493 of 2016

05.07.2016