



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P. (MD).No.12442 of 2016

K.M.Ramesh

.. Petitioner/ Defacto Complainant

Vs.

The Inspector of Police,
North Police Station,
Rajapalayam,
Virudhunagar District.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned Judicial Magistrate, Rajapalayam, to speedy disposal of protest petition in Cr.M.P.No.3377 of 2015 filed by the petitioner against the referred charge sheet filed by the respondent in Cr.No.146 of 2014 within a stipulated time.

For Petitioner : Mr.P.T.Thiraviam

For respondent : Mr.A.P.Balasubramani,
Government Advocate (Criminal side)

ORDER

It is an application seeking a direction to the learned Judicial Magistrate, Rajapalayam to dispose of the protest petition in Cr.M.P.No.3377 of 2015 filed by the petitioner against the referred charge sheet filed by the respondent in Crime No.146 of 2014 within a stipulated time.

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

3.While allowing Crl.R.C.(MD).No.379 of 2015, which has been filed against the dismissal of the protest petition filed by the petitioner, this Court directed the learned Magistrate to treat the protest petition as a private complaint and to examine the complainant and the witnesses. It was also indicated that it is open to the learned Magistrate to order further investigation, if necessary. Based upon that order, the petitioner herein had appeared before the Court below, but it was not specifically brought to the notice of the Court below that the



petitioner is ready with witnesses to be examined. For want of communication, this mistake has occurred.

4. When this Court called for explanation from the learned Magistrate, the learned Magistrate is fair enough to explain her circumstances under which the petitioner was not examined. It appears to be a mistake on the part of the learned counsel, who represented the petitioner before the Court below in not representing that the petitioner is ready with the witnesses to be examined and they are ready to give sworn statement.

5. Under such circumstances, the learned Judicial Magistrate, Rajapalayam is directed to dispose of the protest petition in Cr.M.P.No.3377 of 2015 within a period of four weeks from the date of receipt of a copy of this order.

6. This Criminal Original Petition is accordingly disposed of.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Rajapalayam.

2. The Inspector of Police,
North Police Station,
Rajapalayam,
Virudhunagar District.

3. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.PT.THIRAVIAM, Advocate, SR No.43453

Cr1.O.P(MD)No.12442 of 2016
10.08.2016

gcg

SH/SKS-RR:24.08.2016:2P/5C