



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P. (MD) No.15728 of 2016

1.Kannan @ Rethinadhas
2.Viju
3.Kumar
4.Kamaraj

.. Petitioners

Vs.

The State Rep by
its Sub Inspector of Police,
Puthukkadai Police Station,
Kanyakumari District.
Crime No.311 of 2010

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to pass an order of direction to dispose the CC.No.3 of 2011 on the file of the Judicial Magistrate No.2 Kuzhithurai within a stipulated period.

For Petitioners : Mr.S.Sivakumar

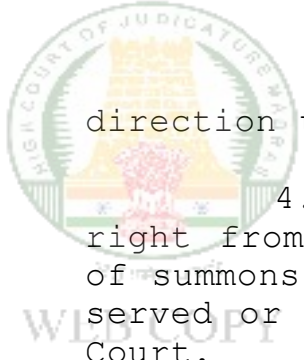
For Respondent : Mr.A.P.Balasubramani,
Government Advocate.
(Criminal Side)

ORDER

It is an application seeking a direction to dispose C.C.No.3 of 2011, pending on the file of the Judicial Magistrate No.2 Kuzhithurai within a stipulated period.

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

3.The learned counsel appearing for the petitioners would submit that right to speedy trial is a fundamental right of the accused persons and right from the year 2011, in respect of petty offence registered, the petitioners are made to run pillar to post under the guise of trial and therefore, there should be a



direction to dispose of the case in C.C.No.3 of 2011.

4.A perusal of the Diary extract would go to show that right from the year 10.06.2014, every entry pertains to issuance of summons to LWs.1 to 3 and it is not known whether summons were served or not and progress was also not ascertained by the trial Court.

5.There is an undertaking by the learned Government Advocate (Crl.Side) that the respondent will take earnest steps to get the summons served on the witnesses and produce the remaining witnesses before the Court below at the earliest.

6.Considering the submissions made on both sides, the Judicial Magistrate No.2 Kuzhithurai is directed to dispose of C.C.No.3 of 2011 within a period of two months from the date of receipt of a copy of this order.

Sd/
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.2 Kuzhithurai

2.The Sub Inspector of Police,
Puthukkadai Police Station,
Kanyakumari District.

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

+1 cc to MR.S.SIVAKUMAR, Advocate Sr.No.47801

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SMA/DB/23/09/2016 :2P/5C