



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.3279 of 2016

R.Elangovan

... Petitioner

vs.

The Inspector of Police,
C4, Thilagar Thidal Police Station,
Madurai.

... Respondent

PRAYER: This petition is preferred under Section 482 Cr.P.C., to order the quick disposal of C.C.No.689 of 2013 pending before the learned Judicial Magistrate No.II, Madurai within a stipulated time as fixed by this Court.

For Petitioner : Ms.A.Hafiza
For Respondent : Mr.K.V.Rajarajan
Government Advocate(Crl.Side)

O R D E R

This petition has been filed to direct the learned Judicial Magistrate No.II, Madurai to expedite the trial and dispose of the case in C.C.No.689 of 2013 within a stipulated time as fixed by this Court.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the State.

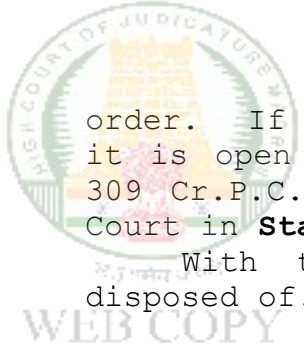
3. On the direction from this Court, the learned Judicial Magistrate No.II, Madurai has sent a report dated 22.02.2016 wherein it is stated as follows:

"I humbly submit that, on perusal of case records related to C.C.No.689 of 2013, the case was taken on file on 18.09.2013 and adjourned to 11.12.2013 for appearance of accused. But accused summon was not served by the police concerned till 21.02.2015. Finally summon served to the accused and was appeared before Court only on 25.03.2015.

I further humbly submit that, on 25.03.2015, copy was furnished to the accused and for examining him regarding charge, the case was reposted to 27.03.2015. On 27.03.2015, the accused was examined regarding charge and issued summons to L.W.1 to L.W.3 since he denied the charge. So far, the witnesses were not produced by the police till date and the accused was also absent on 16.03.2016, and the case is now posted for appearance of accused to 11.05.2016.

This is for your Honour's kind information."

4. In view of the above, this Court directs the learned Judicial Magistrate No.II, Madurai to complete the trial in C.C.No.689 of 2013 within a period of six months from the date of receipt of a copy of this



order. If the accused does not co-operate in the conduct of the trial, it is open to the Magistrate to remand them to custody as per Section 309 Cr.P.C. and also the decision laid down by the Honourable Supreme Court in **State of U.P. Vs. Sambhunath Singh** reported in **2001(4) SCC 667**.

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

Sd/-
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate Court No.II, Madurai

2.The Inspector of Police,
C4, Thilagar Thidal Police Station,
Madurai.

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

sm:GSV-PM:05.04.2016:2P/4c

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