



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.4254 of 2016

K.Ramasamy

... Petitioner/Defacto Complainant

-vs-

State represented by
The Inspector of Police,
Oddanchatram Police Station,
Oddanchatram, Dindigul District.
(Crime No.27 of 2006)

... Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned Judicial Magistrate, Oddanchatram to dispose of C.C.No.919 of 2010 within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

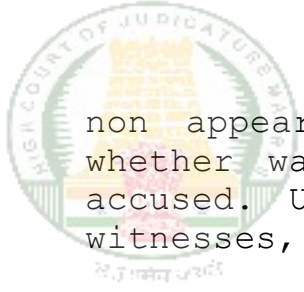
For Respondent : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed, seeking to direct the learned Judicial Magistrate, Oddanchatram to dispose of the case in C.C.No.919 of 2010 within the time stipulated by this Court.

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

3. A perusal of the Diary extract of the Court below would reveal that L.Ws.1 & 2 were examined on 24.06.2014 and thereafter, starting from 11.07.2014 upto 05.02.2016, the only entry is "Accused not present. Issue summon to LW3 to LW5". It is not known as to whether summons were served or not served; if not served, what is the reason; if served, whether witnesses were present or not; if the witnesses are not present, whether there was wilfull



non appearance before the Court; if there is non appearance, whether warrant has been issued to secure the presence of the accused. Unless steps are taken to secure the presence of the witnesses, this kind of delay is bound to occur.

4. Under the provisions of the Code of Criminal Procedure, once Trial is commenced, it is for the Trial Court to conduct examination of witnesses on day to day basis. In this case, there is no progress in the trial even on year to year basis.

5. Under such circumstances, learned Judicial Magistrate, Oddanchatram is directed to dispose of the case in C.C.No.919 of 2010 within a period of three months from the date of receipt of a copy of this order.

6. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Oddanchatram.
2. The Inspector of Police,
Oddanchatram Police Station,
Oddanchatram, Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.M.R.SREENIVASAN,ADVOCATE SR.38697

JA-SK-SKN-04.08.2016/2P:5C

Cr1.O.P (MD) No.4254 of 2016
21.07.2016