



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP(MD) No.5780 of 2016

1.Mayshak @ Deepak Mayshak Samraj
2.Manokar

..Petitioners

Vs

The Inspector of Police,
Sipcot Police Station,
Thoothukudi,
Thoothukudi District.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Judicial Magistrate No.I, Thoothukudi to dispose C.C.No.181 of 2011 within a stipulated time as fixed by this Court.

For Petitioners :Mr.M.M.Manivelpandian
For Respondent :Mrs.S.Prabha
Government Advocate(Crl.Side)

ORDER

This petition has been filed to direct the Judicial Magistrate No.I, Thoothukudi to dispose C.C.No.181 of 2011 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 complaint lodged by Kayalvizhi, the respondent police registered a case in Cr.No.163 of 2010 on 12.05.2010 under Sections 341, 323, 294(B) I.P.C. and Section 4 of TNWH Act against the petitioners herein and after completing the investigation, the respondent has filed final report in C.C.No.181 of 2011 before the learned Judicial Magistrate No.I, Thoothukudi.

4. On a perusal of "B" diary extracted, it is seen that the petitioners/accused are also not properly attending the Court and the trial Court has also not taken appropriate steps to ensure the presence of L.W.1 to L.W.3. Taking into consideration the fact that the case is pending from the year 2011 onwards, this Court



directs the petitioners to regularly appear before the trial Court and engage a lawyer to defend themselves.

5. The trial Court is directed to issue witness warrant for the appearance of L.W.1 to L.W.3 and the respondent police is directed to produce L.W.1 to L.W.3 before the trial Court for the purpose of giving evidence. The petitioners shall cross-examine the witnesses on the date when they are examined in chief as held by the Honourable Supreme Court in **Vinod Kumar Vs. State of Punjab**, reported in **2015(1) MLJ 288(SC)**. If the accused adopt any dilatory tactics, it is open to the trial Court to remand them to custody as per Section 309 Cr.P.C. and also as per the decision laid down by the Honourable Supreme Court in **State of U.P. Vs. Sambhunath Singh** reported in **2001(4) SCC 667**.

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

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

ssl

To

1.The Inspector of Police,
Sipcot Police Station,Thoothukudi,
Thoothukudi District.

2. The Judicial Magistrate No.I, Thoothukudi

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

+1CC to Mr.M.M.Manivelpandian Advocate Sr.No.23522

GJM/GSV/PM/6.5.16-2p-5C

Cr1.OP No.5780 of 2016
22.04.2016