



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP(MD) No.5873 of 2016

Nataraj @ Natarajan

..Petitioner/Sole accused

Vs

1.The Inspector of Police,
Andipatty Police Station,
Theni District.
(Crime No.467 of 2012)

.. Respondent/Respondent

2.Kalaimani

... Respondent/P.W.3

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned District Munsif cum Judicial Magistrate, Antipatty to dispose Cr.M.P.No.1034 of 2015 filed by the second respondent within a time frame as fixed by this Court.

For Petitioner :Mr.V.Sankaranarayanan
For Respondents :Mrs.S.Prabha
Government Advocate(Cr1.Side)
for R.1

O R D E R

This petition has been filed to direct the learned District Munsif cum Judicial Magistrate, Antipatty to dispose Cr.M.P.No.1034 of 2015 filed by the second respondent within a time frame as fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate(Cr1.Side) appearing for the State.

3. It is seen that the petitioner is facing prosecution under Section 302 I.P.C. in P.R.C.No.2 of 2013 pending on the file of the learned Judicial Magistrate, Andipatty.

4. While so, Kalaimani (second respondent/P.W.3) appears to have filed a petition in Cr.M.P.No.1034 of 2015 for further investigation in the case and the said petition is pending on the file of the learned District Munsif cum Judicial Magistrate, Andipatty.

5. The petitioner/accused has approached this Court for a direction to the learned District Munsif cum Judicial Magistrate, Andipatty to dispose of Cr.M.P.No.1034 of 2015 as expeditiously within a time frame as fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

6. In normal circumstances, taking into consideration the fact that the F.I.R. has been registered in this case way back in the year



2012, this Court would have given such a direction to the Judicial Magistrate. However, in this case, on reading of "B" diary extracted, it is obvious that the petitioner has not appeared before the Magistrate from 20.02.2013 to 28.01.2016. On 28.01.2016, the learned Magistrate has passed the following order:

"Fresh summon to Accused. Call on 05.04.2016"

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7. The learned Counsel for the petitioner/accused submitted that the petitioner appeared before the Magistrate on 05.04.2016.

8. Since the delay is mainly on account of the absence of the petitioner before the trial Court, no direction as prayed for by the petitioner can be granted. However, the petitioner is directed to appear before the learned District Munsif cum Judicial Magistrate, Andipatty in P.R.C.No.2 of 2013 regularly and the learned Judicial Magistrate is directed to dispose of Cr.M.P.No.1034 of 2015 expeditiously and commit the case to the Court of Sessions expeditiously. If the accused adopts any dilatory tactics, it is open to the learned Judicial Magistrate to remand him under custody under Section 209 I.P.C. and commit the case to the Court of Sessions.

9. With the above directions, this Criminal Original Petition is closed.

Sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

1.The Inspector of Police,
Andipatty Police Station,
Theni District.

2. The District Munsif cum Judicial Magistrate Court,
Antipatty.

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

+1CC to M/S.V.Sankaranarayanan,Advocate, SR.No. 22697

Cr1.OP No.5873 of 2016
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AM/AAL.MPA/SAR-I/04.05.2016/2P/5C