



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2016

WEB COPY

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Cr1.O.P.(MD)No.8610 of 2016

N.Alex

.. Petitioner/Accused

Vs.

The State of Tamilnadu
rep.by the Inspector of Police,
Prohibition Enforcement Wing,
Thuckalay
Kanyakumari District.

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to the Judicial Magistrate, No.II, Kuzhithurai to expedite the trial in STC. No.331 of 2009.

For Petitioner : Mr.C.K.M.Appaji

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

ORDER

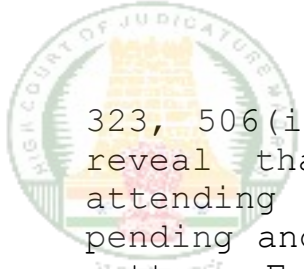
This is an application seeking a direction to the learned Judicial Magistrate, No.II, Kuzhithurai to expedite the trial in S.T.C.No.331 of 2009.

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

3.It is alleged that the petitioner/accused is a senior citizen, attending the trial Court regularly. The prosecution did not examine any of the witnesses for the past eight years and that compelled the petitioner to approach this Court, seeking a direction to the learned Magistrate to dispose of the case.

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

4.A perusal of the records would show that final report has been filed in S.T.C.No.331 of 2009 under Sections 147, 448,



323, 506(i) r/w 149 of I.P.C. A perusal of the notes paper would reveal that some of the accused persons were not regularly attending and the Non Bailable Warrant issued against them are pending and that is why the Court was not able to proceed with the matter. Further, on the finding that Non Bailable Warrant could not be executed, the Court below has rightly split up the case and proceeding with examination of witnesses. Summon has been issued for the appearance of LW1 to LW3 on 04.02.2016.

5.Under such circumstances, the learned Judicial Magistrate No.II, Kuzhithurai is directed to dispose of S.T.C.No.331 of 2009 within a period of one month 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(P&A)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II, Kuzhithurai.

2.The Inspector of Police,
Prohibition Enforcement Wing,
Thuckalay,
Kanyakumari District.

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

+1cc to Mr.C.K.M.Appaji, Advocate Sr.No.29195

sm:sk-skn:23.06.2016:2P/5C

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