



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Cr1.O.P.(MD).No.9086 of 2016

B.R.K.Adityan

.. Petitioner

Vs.

State rep. by the
Sub Inspector of Police,
Tiruchendur Police Station,
Tuticorin District.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to expedite the disposal of the petition filed under Section 239 Cr.P.C. In Cr.M.P.No.12552 of 2015 in C.C.No.316 of 2015 pending on the file of the learned Judicial Magistrate, Tiruchendur within a stipulated time.

For Petitioner : Mr.S.Karthick Subramanian
For respondent : Mr.A.P.Balasubramani,
Government Advocate(Criminal side)

ORDER

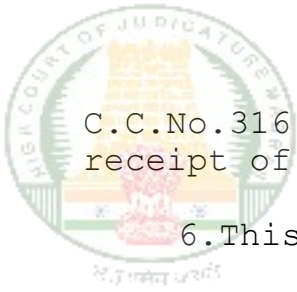
It is an application seeking a direction to the learned Judicial Magistrate to expedite the disposal of the application for discharge filed by the petitioner in C.C.No.316 of 2015.

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

3.An application for discharge is pending from 27.11.2015 till date without even the counter being filed. Under such circumstances, the petitioner/accused sought for a direction to the learned Judicial Magistrate for speedy disposal.

4. It is contended by the learned counsel for the petitioner that the charge sheet filed in C.C.No.316 of 2015 is against the law and the statement of witnesses did not make out an offence under Section 468 IPC.

5. The right to have the speedy disposal is a fundamental right of the accused and the same has been upheld by the Hon'ble Supreme Court in **Kartar Singh Vs. State of Punjab**, reported in **1994 (3) SCC 569**. Under such circumstances, the learned Judicial Magistrate, Tiruchendur, is directed to dispose of Cr.M.P.No.12552 of 2015 in



C.C.No.316 of 2015 within a period of one month from the date of receipt of a copy of this order.

6.This Criminal Original Petition is accordingly disposed of.

WEB COPY

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Tiruchendur.

2. The Sub Inspector of Police,
Tiruchendur Police Station,
Tuticorin District.

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

+ 1 CC TO MR.S.KARTHICK SUBRAMANIAN, ADVOCATE IN SR No. 30474

GCG

TE/PEK/ : 30/06/2016 : 2P/5C

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