

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 21.06.2016****CORAM:****THE HONOURABLE Dr. JUSTICE S.VIMALA****Cr1.O.P. (MD) .No.9637 of 2016**

Berin @ Berin Deniyo

.. Petitioner

Vs.

The State of Tamilnadu
rep.by the Inspector of Police,
Karungal Police Station,
Karungal
Kanyakumari District.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Learned Judicial Magistrate, Eraniel, Kanyakumari district to expedite the hearing of C.C.No.110 of 2014 in the court of Judicial Magistrate Eraniel, Kanyakumari District and to dispose the same within a reasonable time as may be fixed by this Honourable Court.

For Petitioner : Mr.E.V.N.Siva

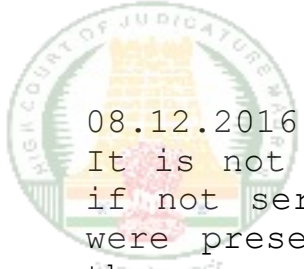
For Respondent : Mr.A.P.Balasubramani,
Government Advocate (Criminal side)**ORDER**

It is an application seeking a direction to the learned Judicial Magistrate, Eraniel, Kanyakumari district to expedite the hearing of C.C.No.110 of 2014 within a time limit to be fixed by this Court.

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

3.A case has been registered against the petitioner under Sections 147, 148, 448, 427 and 506(ii) I.P.C and the same has been taken on file in C.C.No.110 of 2014. The case is pending for trial.

4.A perusal of Diary extract of the Court below would reveal that starting from 22.07.2014, followed by 30.12.2014, 17.06.2015, 10.07.2015, 31.07.2015, 21.08.2015, 18.09.2015, 04.11.2015,



08.12.2016 and 13.04.2016, the only entry is "IFS to LWs.1 to 3". 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.

5. Under such circumstances, the contention of the learned counsel for the petitioner that right to speedy trial is a fundamental right of the accused and he must be given an earlier hearing of the case, must be accepted. Therefore, the learned Judicial Magistrate, Eraniel, Kanyakumari district is directed to dispose of C.C.No.110 of 2014 within a period of two months from the date of receipt of a copy of this order. Learned Magistrate is also directed to take note of the provisions regarding service of summons with regard to mode of service, method of service and further orders to be passed despite service of summons etc., and to follow the procedure.

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

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

mj/ar

To

1. The Judicial Magistrate, Eraniel

2. The Inspector of Police,
Karungal Police Station,
Karungal, Kanyakumari District.

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

GJM/KBM/14.7.16-2p-4c

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