

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 22.06.2016****CORAM****THE HONOURABLE DR.JUSTICE S.VIMALA****Crl.O.P(MD)No.9738 of 2016**

P.Sureshkumar

.. Petitioner

.Vs.

The Inspector of Police,
Usilampatti Taluk Police Station
Madurai District

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the learned Judicial Magistrate, Usilampatti, to dispose of the C.C.No.69/2014 pending on his file within the time stipulated by this Court.

For Petitioner : Mr.K.Rajendran

For Respondent : Mr.K.V.Rajarajan

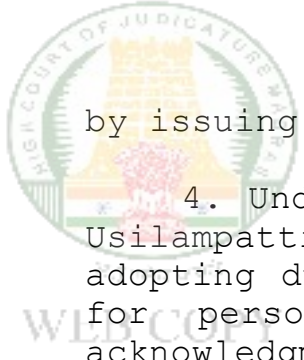
Govt. Advocate(Crl. Side)

ORDER

This petition has been filed seeking a direction to the learned Judicial Magistrate, Usilampatti, to dispose of the C.C.No.69/2014 pending on his file within the time stipulated by this Court.

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

3. From a perusal of the 'B' Diary extract, it appears that summons have already been directed to be issued to L.Ws.1 to 3. However, the same entry is repeated from 18.06.2014 to 13.04.2016. For nearly two years, without any progress, the case is pending. It is rightly contended by the learned counsel for the petitioner that right to speedy trial is the fundamental right of the accused and that right should not be deprived to the accused. From the entry in the docket, nobody can understand as to whether summons were issued or not issued / summons served or not / summons served through personal service or substituted service / whether L.Ws. appeared or not examined or did not appear at all. If the witnesses remain absent despite service of summons, it is for the Court to take further steps to get the presence of the witnesses



by issuing warrant. Nothing has been done.

4. Under such circumstances, the learned Judicial Magistrate, Usilampatti, Madurai District, is directed to issue summons by adopting dual method of service of summons, I.e., issuing summons for personal service as well as by registered post with acknowledgment due and to proceed with the matter.

5. The learned Judicial Magistrate is directed to dispose of the trial within a period of two months from the date of receipt of a copy of this order.

6. The criminal original petition is disposed of with the above direction.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To:

1.The Inspector of Police,
Usilampatti Taluk Police Station
Madurai District

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

+1 cc to M/s.A.S.Rajeswari, Advocate in SR.No.32107

RR/AR

CSL/ARK-PV/SAR-I/13.07.2016 :2P/4C

Crl.O.P(MD)No.9738 of 2016

22.06.2016