



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.11222 of 2017 and
CRL.M.P.(MD)No.7710 of 2017

Arumainayagam

... Petitioner/4th accused

-Vs-

The State rep. By its,
Sub Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.427 of 2003)

... Respondent/Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District to dispose the C.C.No.535 of 2004 within the time fixed by this Court.

For Petitioner : Mr.C.Sankar Prakash
For Respondent : Mr.K.Anbarasan,
Government Advocate(Crl. Side).

O R D E R

This Criminal Original petition is filed seeking a direction to the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District, to dispose the criminal case in C.C.No.535 of 2004 within the time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondent.

3. The case of the petitioner is that the petitioner is the fourth accused in C.C.No.535 of 2004 which was taken on file way back on 18.11.2004. Though the case was taken on file in the year 2004, the same is pending.

4. The petitioner states that the respondent police have not taken any effective steps to produce the prosecution witnesses before the Court and the criminal case was unnecessarily and repeatedly adjourned for the production of the witnesses.



5. The learned Government Advocate(Criminal Side) however on instructions submitted that the respondent police is willing to co-operate with the earlier disposal of the case.

6. Recording the said statement of the learned Government Advocate(Criminal Side), this Court is inclined to pass the following direction:-

"The learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District, is directed to dispose of the criminal case in C.C.No.535 of 2004 within a period of six months from the date of receipt of a copy of this order."

7. The Criminal Original petition is allowed, as indicated above.

8. The learned counsel for the petitioner further submitted that the age of the petitioner is 70 and that his personal appearance may be dispensed with.

9. Having regard to the age and physical condition of the petitioner, the personal appearance of the petitioner is dispensed with, unless or otherwise, it is specifically required by an order of Court. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Padmanabhapuram,
Kanyakumari District.
2. The Sub Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.C.SANKAR PRAKASH, ADVOCATE IN SR No. 74772

PMU

TE/SV-MMS/SAR-III : 05/09/2017 : 2P/5C

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