



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL. O.P.(MD)No.11590 of 2017

M.Prabhakaran

... Petitioner/Accused No.8

Vs.

1.The State of Tamil Nadu represented by
The Inspector of Police,
Oomatchikulam Police Station,
Madurai.
(Crime No.711 of 2011)

... Respondent No.1/Complainant

2.Selvi

... Respondent No.2
/De-facto Complainant

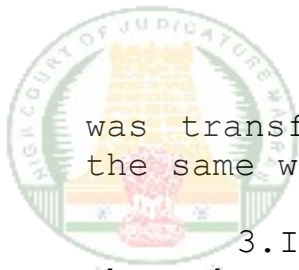
PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.IV, Madurai to take necessary steps to commit the case in P.R.C.No.28 of 2016 within a stipulated period.

For Petitioner : Mr.Akarathi
For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl.Side).

O R D E R

This petition has been filed to direct the learned Judicial Magistrate No.IV, Madurai to take necessary steps to commit the case in P.R.C.No.28 of 2016 within a stipulated period.

2.The case of the petitioner is that the criminal case in Crime No.711 of 2011 was registered under Sections 147, 148, 302 r/w 149 I.P.C. It is the case of the petitioner that the petitioner was falsely implicated as 8th accused in the said case. The respondent police also filed a charge sheet before the learned Judicial Magistrate No.II, Madurai against all the accused including the petitioner. Thereafter, the said case



was transferred to learned Judicial Magistrate -IV, Madurai and the same was taken on file on 13.05.2016 in P.R.C.No. 28 of 2016.

3.It is submitted by the learned counsel for the petitioner that the petitioner is the brother of first accused and the police has falsely implicated him as accused, even though there was no eye witness as against the petitioner. Since the case is being adjourned without any progress because of non-executable warrants against other accused, the petitioner seeks speedy trial. Since the matter is not yet committed, the petitioner is constrained to file this petition.

4.Having regard to the circumstances of the case, the Criminal Original Petition is allowed and the learned Judicial Magistrate-IV, Madurai is directed to commit the case in P.R.C.No.28 of 2016 within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate No.IV,
Madurai.

2.Do through the Chief Judicial Magistrate, Madurai

3.The Inspector of Police,
Oomatchikulam Police Station,
Madurai..

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

+One cc to M/s.Akarathi, Advocate, SR.No.76038

ls/cmr

RL/6C/2P/MR/KKR/SAR1/27/9/2017

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