



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Crl.O.P. (MD) .No.12947 of 2016

R.Radhakrishnan

.. Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District, Sivagangai.

2.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(Crime No.44 of 2005)

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned District Assistant Sessions Judge (Sub Judge), Sivagangai to dispose the Sessions Case No.108 of 2008 on the file of the District Assistant Sessions Judge (Sub Judge), Sivagangai within a time frame.

For Petitioners : Mr.V.Manikandan

For respondents : Mr.K.V.Rajarajan,
Government Advocate (Criminal side)

ORDER

It is an application seeking a direction to the learned Assistant Sessions cum Sub Judge, Sivagangai, to dispose the Sessions Case No.108 of 2008 within a time frame.

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

3.The sum and substance of the allegation against the petitioner is that the petitioner, along with other accused, obtained a sum of Rs.1,50,000/- from the defacto complainant, acting as if they are customs officers. This incident is said to have been taken place on 09.01.2004. The complaint has been given after one year and the same has been registered on 10.02.2005 against the petitioner and four others in Crime No.44 of 2005



under Sections 419, 364(a), 395 and 506(ii) IPC. The petitioner is the first accused in Sessions Case No.108 of 2008 pending on the file of the learned Assistant Sessions Judge (Sub Judge), Sivagangai.

4. The learned counsel for the petitioner would submit that there are totally 15 witnesses; even though the case was committed to the Court of Sessions as early as on 22.09.2008, still the trial is not yet over; in order to substantiate his contention, he has produced B-diary extract; he is a senior citizen; he has to travel 400 k.m. from Hosur to reach Sivagangai for every hearing; and therefore, a direction may be issued to the trial Court to dispose of the case within a time frame.

5. The learned counsel for the respondents would submit that already two witnesses have been examined and there may not be any difficulty for producing the remaining witnesses within a period of next two weeks before the trial Court.

6. The above undertaking given on the side of the respondents is recorded. After examination of the witnesses is over by next two weeks, there may not be any difficulty for the trial Court to pronounce the judgment in the Sessions Case No.108 of 2008 within a period of two weeks thereafter. Thus, the learned Assistant Sessions Judge (Sub Judge), Sivagangai is directed to dispose of the case in S.C.No.108 of 2008 within a period of one month from the date of receipt of a copy of this order.

7. This Criminal Original Petition is accordingly disposed of.

Sd/-

Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Assistant Sessions Judge (Sub Judge),
Sivagangai.
 2. The Superintendent of Police,
Sivagangai District, Sivagangai.
 3. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
 4. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1cc to Mr.V.Manikandan, Advocate SR.No. 40501
JA-DB-10.08.2016/2P:6C

CrI.O.P (MD) No.12947 of 2016