



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

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WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.2394 of 2017

1. Sridharan
2. Selvakumar

... Petitioners

-vs-

The Inspector of Police,
Manavalakurichy Police Station,
Kanyakumari District
(Crime No.110/2009)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the District Munsif-cum-Judicial Magistrate, Eraniel, Kanyakumari District to dispose of C.C.No.114 of 2010 within a time frame as stipulated by this Honourable Court.

For Petitioner : Mr.C.T.Perumal
For Respondent : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed, seeking to direct the District Munsif-cum-Judicial Magistrate, Eraniel, Kanyakumari District to dispose of C.C.No.114 of 2010.

2. It is seen that pursuant to the order dated 06.03.2017 passed by this Court, learned Principal District Munsif-cum-Judicial Magistrate, Eraniel, Kanyakumari District has sent a report dated 16.03.2017, wherein in Paragraph No.3, it is stated as follows:

"3.I further humbly submitted that this case was taken on file on 20.5.2010 and summon served to the first accused on 30.6.2010 and 2nd accused appeared on 2.3.2013. Charge framed in this case on 16.3.2013. On 29.1.2016 both accused were absent and non bailable warrant issued against both accused. On 4.10.2016 non bailable warrant issued against both accused was



recalled. Now this case posted on 7.4.2017 for appearance of L.W.1,2,3. Witness summons issued to Lw1 to 3 through concern police."

3. Today, G.Moses, Special Sub-Inspector of Police, Manavalakurichy Police Station is present. On instructions, learned Government Advocate (Crl.Side) submitted that on 07.04.2017, the prosecution has examined three witnesses, namely, P.Ws.1 to 3 and the trial is in progress and on 10.04.2017, P.Ws.4 to 7 were examined and the next date of hearing is on 21.04.2017 for further examination of witnesses.

4. In view of the above, learned Principal District Munsif-cum-Judicial Magistrate, Eraniel, Kanyakumari District is directed to complete the trial within three months from the date of receipt of a copy of this order. If the accused adopt any dilatory tactics, they can be remanded to custody as laid down by the Supreme Court in **State of U.P. v. Shambu Nath Singh [2001(4)SCC 667]** and if any of the accused absconds, a fresh FIR can be registered against them under Section 229-A IPC.

With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Principal District Munsif-cum-Judicial Magistrate, Eraniel, Kanyakumari District.
2. The Inspector of Police, Manavalakurichy Police Station, Kanyakumari District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.C.T.PERUMAL, ADVOCATE IN SR No. 52905

AR

TE/JC : 15/05/2017 : 2P/5C

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19.04.2017