



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

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

Crl.O.P.(MD) No.2661 of 2017

Kathiresan

... Petitioner/A1

-vs-

State rep. by
The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi.
(Crime No.36/2008)

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the Judicial Magistrate No.II, Thoothukudi to expedite the trial in C.C.No.190 of 2008 within a time frame as may be fixed by this Honourable Court.

For Petitioner	: Mr.S.Deenadhayalan
For Respondent	: Mr.A.P.Balasubramani
	Govt. Advocate (Crl.Side)

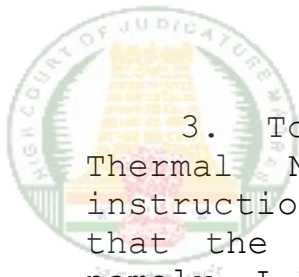
O R D E R

This petition has been filed, seeking to direct the learned Judicial Magistrate No.II, Thoothukudi to expedite the trial in C.C.No.190 of 2008 within a time frame as may be fixed by this Honourable Court.

2. It is seen that pursuant to the order dated 10.03.2017 passed by this Court, learned Judicial Magistrate No.II, Thoothukudi has sent a report dated 27.03.2017, wherein it is stated as follows:

"I further humbly submit that in this case trial was not commenced till now and it is submitted on the side of prosecution that L.W.1 in this case has resigned his job from the company where he was working at time of lodging this complaint in Thermal Nagar Police Station.

I further humbly submit that now prosecution stated that the present address of L.W.1 was found and summons will be served to him before next hearing. Hence, as present address of L.W.1 was found and prosecution is ready to serve the summons to the L.W.1. I humbly submit herewith that the case will be disposed of shortly."



3. Today, M.Lakshmanan, Special Sub-Inspector of Police, Thermal Nagar Police Station, Thoothukudi is present. On instructions, learned Government Advocate (Crl.Side) submitted that the trial has commenced on 18.04.2017 and two witnesses, namely, L.Ws.1 & 3 were examined out of nine witnesses.

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4. Recording the same, this petition is closed with further direction to the learned Judicial Magistrate No.II, Thoothukudi 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(CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate No.II,
Thoothukudi.
2. The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s. S.DEENA DHAYALANAdvocate in SR. No.53067

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JS/SV/9.05.2017/2P-5C

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19.04.2017