



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH**CrI.O.P.(MD) No.3502 of 2017
and CrI.M.P.No.2618 of 2017**

S.S.K.Sannasi Karuppasamy .. Petitioner/Sole Accused
-vs-
Balamurugan .. Respondent/Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records from the learned Judicial Magistrate Court, Ramanathapuram and transfer the same to any other competent Court at Madurai, preferably before the learned Fast Track Court (JM Level) No.2, Madurai.

For Petitioner : Mr.M.Solaisamy
For Respondents : No appearance

O R D E R

This petition has been filed seeking transfer of the case in STC No.2256 of 2006 from the learned Judicial Magistrate Court, Ramanathapuram and transfer the same to any other competent Court at Madurai, preferably before the learned Fast Track Court (JM Level) No.2, Madurai.

2. Pursuant to the order dated 24.03.2017 passed by this Court, the learned Judicial Magistrate, No.I, Ramanathapuram has filed a very detailed report, wherein, it is stated as follows:

" ... On 06.03.2017, both the parties present and the complainant had not chosen to commence trial on that day. Hence, I passed a conditional order directing the complainant to commence trial on 13.03.2017 failing which, case will be disposed according to law. On 13.03.2017, complainant was examined as PW1 and Ex.P1 to Ex.P7 were marked. At request of accused, case was adjourned to 15.03.2017 for cross of PW1. On 15.03.2017, at request of accused, case was adjourned to 20.03.2017 for cross of PW1 under the caption 'Finally'. On 20.03.2017, at request of accused, case was adjourned to 27.03.2017 for cross of PW1 under the caption 'last chance'. On 27.03.2017, complainant present. Accused was absent and there was no representation for accused. Hence, I issued bailable warrant to accused



by 05.05.2017. Due to non appearance of accused., ie., Bailable warrant pending against accused, the case is now pending."

3. This Court places on record its appreciation to Thiru.K.Inbakarthick, B.A., B.L., Judicial Magistrate, No.I, Ramanathapuram for taking up all the old cases for disposal.

4. In the report, it is seen that this accused is adopting dilatory tactics. Mr.M.Solaisamy, counsel for the petitioner, fairly submitted that the accused will cooperate with the trial and prayed for a direction to the trial Court to complete the trial in a time bound manner.

5. Accepting the submissions made by the learned counsel for the petitioner, this Court directs the accused to surrender before the Judicial Magistrate, No.I, Ramanathapuram, within two weeks from the date of receipt of a copy of this order and on his surrender, he shall be released on bail under Section 436 Cr.P.C. on the same day on he furnishing a bond for Rs.10,000/- with two sureties and the warrant against him shall be recalled. The accused shall cross examine the witnesses expeditiously on the day, when they are examined in chief as held by the Supreme Court in *Vinod Kumar v. State of Punjab* reported in (2015) 3 SCC 220 and the accused shall not abscond. If he absconds, a fresh FIR can be registered against him under Section 229 (A) of the Indian Penal Code. The trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

With the above direction, this criminal original petition is disposed of. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub-Assistant Registrar

To:

1.The Judicial Magistrate, NO.I,
Ramanathapuram

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

RR

RL/3C/2P/MR/SAR2/26.4.2017

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