



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.(MD)No.5140 of 2017

Hariharasudan

.. Petitioner

Vs.

The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
(Crime No.681/2015)

.. Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Judicial Magistrate No.5, Madurai to expedite the trial into the above case in P.R.C.No.44 of 2016 on his file within the time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan
for M/s. Veera Associates

For Respondent : Mr.A.P.Balasubramani
Government Advocate (Cr1.side)

O R D E R

On the complaint lodged by the petitioner, the respondent police registered a case in Crime No.681 of 2015 and after completing the investigation has filed a charge sheet in PRC.No.44 of 2016 before the learned Judicial Magistrate No.V, Madurai, for offences under Sections 294(b), 447, 506(ii) of IPC., and Section 3 of TNPPDL Act, against one Karmegam, who is said to be an advocate.

2. Today Mr.T.Pandi, Special Sub Inspector of Police, C-3, S.S.Colony Police Station, Madurai City is present before this Court.

3. Heard learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent.

<https://hcservices.ecourts.gov.in/hcservices/> The grievance of the petitioner is that the said Karmegam is not appearing before the learned Judicial Magistrate

No.V, Madurai, for committal proceedings and has been deliberately abstaining himself. The B-Diary extract reads as follows:

" 24.08.2016

Fresh summon to the accused call on 22.09.2016
22.09.2016

Fresh summon to the accused call on 06.10.2016
06.10.2016

The Police had served the summons but the accused refused to receive the same. Hence, issue NBW against the accused call on 27.10.2016.

27.10.2016

Holiday posted to 03.11.2016

03.11.2016

NBW pending call on 22.12.2016

22.12.2016

NBW pending call on 12.01.2016

12.01.2017

NBW pending call on 09.02.2017

18.01.2017

Accused surrender before Court. Warrant recalled on CrI.M.P.117 directed to appear before Court on 09.02.2017 without fail.

09.02.2017

J.M. On ML. Accused present. Call on 01.03.2017.

01.03.2017

J.M. On ML. Accused present. Call on 03.04.2017.

03.04.2017

Accused absent. Petition filed and Medical Certificate of the accused filed that the accused is suffering from enteric fever. Hence the case is posted for the appearance of the accused. Call on 24.04.2017".

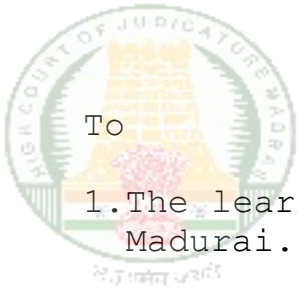
5. Thus, from the above, it is clear that since the accused did not appear before the Court, non bailable warrant was issued against him. Subsequently, he surrendered before the Court and warrant was recalled and thereafter he has cleverly appeared on the day, when the learned Judicial Magistrate is on medical leave and then he did not appear before the Court regularly. Therefore, this Court directs the learned Judicial Magistrate No.V, Madurai, to ensure the presence of the accused and complete the committal proceedings within a period of three months from the date of receipt of a copy of this order. If the accused adopts any dilatory tactics, steps could be taken to cancel his bail.

6. With the above direction this petition is closed.

SD/-

ASSISTANT REGISTRAR

/TRUE COPY/



To

- 1.The learned Judicial Magistrate No.V,
Madurai.
- 2.The Chief Judicial Magistrate, Madurai.
- 3.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC TO M/S.VEERA ASSOCIATES,ADVOCATE,SR NO.54349

PJL/MRN

MAS/KP:02.05.2017:3P-6C

Order made in
Crl.O.P. (MD) No.5140 of 2017
26.04.2017