



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.23808 of 2016

1. Piththadiyan
2. Pandey
3. Ramayee

... Petitioners/Accused Nos.1,4&5

Vs.

State represented by,
The Inspector of Police,
Kadupatti Police Station,
Madurai District.

... Respondent/Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to issue a direction directing the learned District Munsif cum Judicial Magistrate, Vadipatti, to expedite the trial in C.C.No.363 of 2008 by splitting the trial in respect of accused Nos.1,4 and 5 within a time frame that may be fixed by this Court.

For Petitioners : Mr.T.Sakthikumaran

For Respondent : Mr.K.S.Duraipandiyan,
Additional Public Prosecutor.

O R D E R

This Criminal Original petition is filed for issuing a direction to the learned District Munsif cum Judicial Magistrate, Vadipatti, to expedite the trial in C.C.No.363 of 2008 by splitting the trial in respect of accused Nos.1,4 and 5 within the time stipulated by this Court

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for respondent.

3. It is stated that the case was registered on the basis of the complaint lodged by the petitioner for the offences under Sections 147, 148, 448, 341, 323, 324, 427 and 506(ii) of I.P.C. It is further submitted that Charge Sheet was filed and the case was taken on the file in C.C.No.363 of 2008 before the learned District Munsif cum Judicial Magistrate, Vadipatti. It is further stated that despite the fact that the matter was pending for more than nine years, the criminal proceedings has not reached finality. It is also stated that the delay was mainly due to the non-appearance of the accused Nos.2 and 3. It is therefore stated that the petitioner

was constrained to file this petition.

4. Having regard to the fact that the proceedings are pending for more than nine years and it is stated that the delay is purely due to the non-appearance of the accused Nos.2 and 3, this Court is inclined to pass the following direction:-

"The learned District Munsif cum Judicial Magistrate, Vadipatti, is directed to expedite the trial and to dispose of the criminal proceedings in C.C.No.363 of 2008, if necessary by splitting the trial in respect of the accused Nos.1, 4 and 5 within a period of six months from the date of receipt of a copy of this order."

5. The Criminal Original petition is allowed, accordingly.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The District Munsif cum Judicial Magistrate, Vadipatti.

2.The Inspector of Police,
Kadupatti Police Station,
Madurai District.

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

+1cc to M/s. T.SAKTHI KUMARAN Advocate in SR. No. 82339

PMU

JS/GT/SAR.1/30.10.2017/2P-5C

CRL.OP.(MD)No.23808 of 2017
12.10.2017