



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.04.2017
CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

WEB COPY

Crl.O.P. (MD)No.4123 of 2017

Shanmuganathan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
In Cr.No.447 of 2009

... Respondent

PRAYER: The Criminal Original Petition is filed under section 482 of Criminal Procedure Code to direct the learned Judicial Magistrate No.II, Ramanathapuram to pass orders on the petition pending in Crl.M.P.No.3491 of 2016, within the time frame that may be fixed by this court, before proceeding with the trial.

For Petitioner : Mr.R.Murugan

For Respondent : Mr.P.Kandasamy, G.A. (Crl.side)

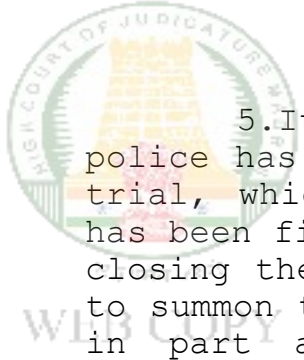
O R D E R

This Criminal Original Petition has been filed praying to direct the Judicial Magistrate No.II, Ramanathapuram to pass orders on the petition pending in Crl.M.P.No.3491 of 2016, within time frame that may be fixed by this court, before proceeding with the trial.

2.The learend counsel appearing for the petitioner is present. Mr.P.Kandasamy, learned Government Advocate (Criminal side) takes notice for the respondent.

3.Heard both sides.

4.The present petitioner is A1 in C.C.No.5 of 2010 pending on the file of the Judicial Magistrate No.2, Ramanathapuram. On perusal of the 'B' Diary extract of the trial court, it is seen that there are totally two accused in this case and charges were already framed and pending for service of summons to LW2, LW3 and LW4 till then. The case is of the year 2010. PW1 was examined on 15.11.2010 and thereafter, there is no progress in the examination of the witnesses.



5.It is further seen from the records that the respondent police has not taken any steps to serve summons for expediting the trial, which is pending from 15.12.2016 onwards. Hence, petition has been filed in CrI.M.P.No.3491 of 2015 before the trial court for closing the prosecution witnesses, since the prosecution has failed to summon the witnesses for six years. Though the appeal was heard in part and the trial court posted the case for orders on 19.01.2017, thereafter the said petition was reopened for clarification from both sides and it is pending today.

6.The learned counsel for the petitioner seeks speedy trial of the case in C.C.No.5 of 2010, since, it is pending from 2010 onwards.

7.Considering the above facts and circumstances of this case and also the 'B' diary entries maintained by the trial court, this court is inclined to direct the trial Judge to dispose the pending application, within a period of one week and also dispose of the case in C.C.No.5 of 2010, on merits and in accordance with law within a period of two months from the date of receipt of the order copy and report the same to the Registry without fail.

8.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.II, Ramanathapuram
2. -do- thro' The Chief Judicial Magistrate, Ramanathapuram
- 3.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

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

+1 CC to MR.R.MURUGAN, Advocate, SR No. 51314

ER

PSM/JM-RSK/SAR3/12.04.2017/2P/6C

CrI.O.P. (MD) No.4123 of 2017
10.04.2017