



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) No.7647 of 2011

and

M.P. (MD) Nos.1 and 2 of 2011

1. Joseph Amalraj
2. Srithar
3. Pilominal

... Petitioners/Accused 1 to 3

Vs.

1. The State rep by,
The Inspector of Police,
Vasudevanallur Police Station,
Sivagiri Taluk,
Tirunelveli District.
(Crime No.22 of 2010)

... Respondent/Complainant

2. S.Jothi

... Respondent/De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in PRC No.5 of 2011 on the file of the District Munsif cum Judicial Magistrate Court, Sivagiri and to quash the same.

For Petitioners : Mr.G.Ravisankar

For R1 : Mr.K.Anbarasan
Government Advocate (Crl.side)

For R2 : Mr.M.Veilkaniraju

O R D E R

This Criminal Original Petition has been filed to quash P.R.C.No.5 of 2011, pending on the file of the learned District Munsif cum Judicial Magistrate, Sivagiri.

2. When the matter is taken up for hearing today, the learned counsel for the petitioners submitted that during the pendency of this petition, A1 was died.



3. Insofar as the other petitioners concerned, though the learned counsel for the petitioners raised several grounds for quashing the case in P.R.C.No.5 of 2011 on the file of the District Munsif cum Judicial Magistrate Court, Sivagiri, he submitted that it would suffice, if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and also to permit the petitioners to raise all the grounds raised in this petition before the trial Court.

4. I have heard the learned Government Advocate (Criminal side) appearing for the first respondent, who has also conceded the request of the learned counsel for the petitioners and the learned counsel appearing for the second respondent.

5. In the light of the above said submission made by the learned counsel for the petitioners, this Court, without going into the merits of the case, directs the learned District Munsif cum Judicial Magistrate Court, Sivagiri to complete the trial in P.R.C.No.5 of 2011 within a period of three months from the date of receipt of a copy of this order, if the trial is not yet completed. The personal appearance of the petitioners was dispensed with by this Court on 06.07.2011 and the same is confirmed, unless the learned Magistrate feels that their presence is required for disposal of the case.

6. With the above direction, this Criminal Original Petition is disposed of. Since A1 was reported dead, the Criminal Original Petition in respect of A1 stands dismissed as abated. Consequently, connected M.P(MD).No.2 of 2011 is also closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar



To

1. The District Munsif cum Judicial Magistrate,
Sivagiri.
2. - do Thro' Chief Judicial Magistrate, Tirunelveli.
3. The Inspector of Police,
Vasudevanallur Police Station,
Sivagiri Taluk,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.G.RAVISANKAR, Advocate SR.No.84950.

Crl.O.P. (MD) No.7647 of 2011
01.11.2017

PJL

SDS/MR:KKR/SAR 2/17.11.2017/3P/6C