



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C(MD) .No.782 of 2013

and

M.P(MD)Nos.1 and 2 of 2013

1.S.Ramalingam
2.S.Kumar @ Murugesan
3.T.Kalai Selvan
4.D.Chellasamy

... Petitioners/Petitioners/
Accused No.1 to 4

-Vs-

The State, represented by
The Sub-Inspector of Police,
Eathamozhi Police Station,
Kanyakumari District.
Crime No.72/2011

... Respondent/Respondent/
Complainant

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying this Court to call for the records and to set aside the judgement passed by the learned Judicial Magistrate No.III, Nagercoil in Cr1.M.P.No.4078 of 2013 in C.C.No.62 of 2013, dated 30.10.2013.

For Petitioner : Mr.C.T.Perumal

For Respondent : Mr.C.Mayil vahana Rajendran

Addl. Public Prosecutor (Cr1. Side)

O R D E R

The challenge in this revision is to an order dismissing the application filed under Section 239 of Cr.P.C for discharging the Petitioner from the criminal cases.

2.The petitioner has been charged with offence under Sections 147, 148, 448, 294(b), 506(ii) and 379 IPC. After investigation, a final report has been filed and the learned Judicial Magistrate No.III, Nagercoil had taken cognizance of the offence and taken the matter on file. Thereafter, the Petitioner filed the above discharge petition to discharge him from the criminal case. The learned Judicial Magistrate, after consideration materials available on record, dismissed the said application. Challenging the same, the Petitioner has filed the present revision before this Court.



3. When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent would submit that the entire trial is over and only the Investigating officer remains to be examined by the prosecution.

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4. Considering the fact that the trial has been commenced and the entire prosecution witness has been examined except the Investigating Officer, it is suffice to direct the trial Court to conclude the trial and dispose of the case within a reasonable time fixed by this Court.

5. Accordingly, the Criminal Original Petition is disposed of, with a direction to the learned Judicial Magistrate No.III, Nagercoil to conclude the trial in C.C.No.62 of 2013 on its file and dispose of the same within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.III,
Nagercoil.
2. The Sub-Inspector of Police,
Eathamozhi Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.C.T.PERUMAL, ADVOCATE IN SR No. 64066

VSN

TE/JC/SAR-IV : 18/07/2017 : 2P/5C

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M.P(MD)Nos.1 and 2 of 2013
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