



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P. (MD)No.1996 of 2018

Siva @ Sivachandiran

... Petitioner

-vs-

The State represented by
The Inspector of Police,
B3, Theppakulam Police Station,
Madurai City.
Crime No.1539/2011

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.I, Madurai, Madurai District to complete the trial and dispose of the case in C.C.No.9 of 2014, pending on his file within the time frame as fixed by this Court.

For Petitioner : Mr.S.Balaji
For Respondent : Mr.Prabu Ramachandran
Government Advocate (Crl.Side)

ORDER

This Petition has been filed by the petitioner / Accused No.3, to direct the learned Judicial Magistrate No.I, Madurai, Madurai District to dispose of C.C.No.9 of 2014, at early.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is the Accused No.3 and totally three accused in C.C.No.9 of 2014 and they are facing trial for the charges under Section 392 r/w Section 34 I.P.C. He further submitted that the aforesaid case is pending from the year 2014 and hence, the learned Judicial Magistrate No.I, Madurai, Madurai District may be directed to dispose of the aforesaid case, at early.

3.The learned Government Adovcate (Crl.Side) has submitted that after receipt of the summons, the petitioner did not appear before the trial Court. He further submitted that only on 25.01.2018, the petitioner has surrendered before the trail Court and warrant has been recalled. He further submitted that in so far, non-bailable warrants are pending against Accused Nos.2 and 3 and hence, it is

not possible to take up the case for trial.

4.The learned counsel for the petitioner by way of reply has submitted that since the case is pending for a long time, the learned Judicial Magistrate No.I, Madurai, Madurai District, may be directed to split up the case against the petitioner / Accused No.3 and dispose of the case against the petitioner / Accused No.3.

5.Considering the fact that the petitioner himself was surrendered only on 25.01.2018, his request cannot be considered. The respondent is directed to take steps to excite the NBWs, which are pending against the Accused Nos.2 and 3 within a period of one month and thereafter, the learned Judicial Magistrate No.I, Madurai, Madurai District, is directed to dispose of the case in accordance with law at early.

6.With the aforesaid submissions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Madurai, Madurai District.
2. The Inspector of Police,
B3, Theppakulam Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.BALAJI, ADVOCATE IN SR No. 47039

IA

TE/KKR/SAR-1 : 23/03/2018 : 2P/5C

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