



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL RC(MD) No.503 of 2017

M. NASURUDEEN

... PETITIONER

Vs

1 ALAVUDEEN
2 BHUVANESHWARI
3 SYED SAKUL AMEED
4 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY,
(IN CRIME No.22/2012)

... RESPONDENTS

Petition filed under Section 397 read with 401 Cr.P.c. to set side the Order passed by the Learned Judicial Magistrate No.V, Trichy in Crl.MP(MD)No.4884 of 2016 in C.C.No.269 of 2013 by the Judicial Magistrate No.V, Trichy dated 19/4/2017 and allow the Petition.

Order : This Petition coming on this day under the caption "For Extension of Time" and upon perusing the Letter D.NO.3301/17 dated 30/10/2017 submitted by the Principal Subordinate Judge, Holding Full Additional Charge for the post of Chief Judicial Magistrate, Tiruchirappalli, and the earlier order of this Court dated 06/07/2017 and in the presence of Mr.N.Sankar Ganesh, Advocate for the Petitioner, and Mr.C.Mayilvahana Rajendran, Additional Public Prosecutor for R4, the Court made the following order:-

By order dated 06.07.2017 in Crl.R.C.(MD)No.503 of 2017, this Court had directed the learned Judicial Magistrate No.V, Trichy, to dispose of C.C.No.269 of 2013, within a period of three months from the date of receipt of a copy of the order. The learned Judicial Magistrate No.V, Trichy has sent a communication dated 26.10.2017 requesting extension of time for the following reasons:

"I respectfully submit that, Facts of this case mainly based on documents and two counsels appeared on behalf of defense side. Both side counsels are co-operating with regard to this Trial proceedings. Further prosecution side witness residing in various places of Tamil Nadu. Because of this some delay has been caused to complete this Trial. So far 10 (PW 1 to PW 10) witnesses has been examined by prosecution side and also cross examined by defense side. In this circumstances only 3 witnesses has to be examined



by the prosecution side i.e. LW8, LW12, LW13. LW8 and LW 12 are residing and having office in Chennai and LW13 is investigation officer of this case. Due to witnesses residing in various places of Tamil Nadu caused some delay to complete trial.

Further I humbly submit that due to the said reason I could not dispose the matter within the stipulated time. Hence, kindly give another three months time to dispose CC.No.269/13 on the file of Judicial Magistrate No.V, Trichy."

2. Accepting the reasons given by the learned Magistrate, three months time is extended from the date of receipt of a copy of this order for completing the trial in C.C.No.269 of 2013, provided the accused co-operate with the Court by cross-examining the witnesses on the same day they are examined in chief, as directed by the Supreme Court in Vinod Kumar vs. State of Punjab reported in 2015 (1) Scale 542. If the accused adopt any dilatory tactics, it is always open to the learned Magistrate to remand the accused to custody, in view of the law laid down by the Supreme Court in State of U.P. vs. Shambhu Nath Singh reported in 2001(4) SCC 667. If the accused abscond, a fresh Information Report can be registered against them under Section 229-A of the Indian Penal Code.

Sd/-

Assistant Registrar(CSII)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE NO.V, TRICHY.
- 2.THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY,
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

RL/4C/2P/KK/SAR1/19/1/2018

ORDER Date :03/01/2018

EXTENSION OF TIME