



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.9961 of 2016
and
Crl.M.P.(MD)No.4998 of 2016

Mahamuthu Beevi

... Petitioner/P.W.1

Vs.

1. The State

By the Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

... 1st Respondent/Complainant

2. Shahul Hameed

3. Amsath Ali

4. Abi Mohammed

5. Prakath Ali

6. Rasheed Ali

... Respondents 2 to 6/Accused

PRAYER:- Petition - filed under Section 482 of the Criminal Procedure Code, to set aside the order made in M.P.No.2088 of 2008 in C.C.No.189 of 2006 by the Judicial Magistrate No.I, Ramanathapuram dated 08.10.2015.

For Petitioner : Mr.D.Venkatesh

For R-1 : Mr.K.Suyambulinga Bharathi

Government Advocate (Crl. Side)

ORDER

The *de facto*-complainant has filed this petition challenging the order made in M.P.No.2088 of 2008 in C.C.No.189 of 2006 by the learned Judicial Magistrate No.I, Ramanathapuram, wherein, the learned Magistrate had dismissed the petition filed under Section 319 Cr.P.C., by the prosecution on the ground that the prosecution is not pressing the petition.

2. The learned counsel appearing for the petitioner would submit that during the course of trial, when P.W.1 was examined, P.W.1 had specifically mentioned the names of 26 accused persons and also had explained their participation at the time of occurrence. Based on the said evidence, the learned Public Prosecutor filed an application under Section 319 Cr.P.C., for adding the 26 named



persons as accused.

3. The learned counsel appearing for the petitioner would further submit that when pursuing further with the said petition, all of a sudden, the same was not pressed before the Court. Therefore, the present petition has been filed before this Court.

4. In the facts and circumstances of the case, the application made in M.P.No.2088 of 2008 is directed to be re-presented before the Judicial Magistrate No.I, Ramanathapuram by the Public Prosecutor and the learned Judicial Magistrate No.1, Ramanathapuram shall decide the same in accordance with law within a period of one month from the date of receipt of a copy of this order.

5. Since C.C.No.189 of 2006 is of the year 2006, the learned Judicial Magistrate shall dispose of the case as expeditiously as possible and not later than six months from the date of receipt of a copy of this order.

6. This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

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

+ 1 CC TO Mr.D.VENKATESH, ADVOCATE IN SR No. 81699

SM

TE/RSK/SAR-2 : 24/09/2018 : 2P/5C

CrI.O.P. (MD) No.9961 of 2016
31.08.2018