



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.13784 of 2018

R.Kalavathi

... Petitioner

Vs.

State through
The Inspector of Police
Alangulam Police Station
Alangulam
(Cr.No.323 of 2012)

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Judicial Magistrate Court, Alangulam to expedite the trial in C.C.No. 278 of 2017 in Cr.No.323 of 2012 by the time fixed by this Hon'ble Court.

For Petitioner

: Mr.M.Shema Daniel

For Respondent

: Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1. Side)

ORDER

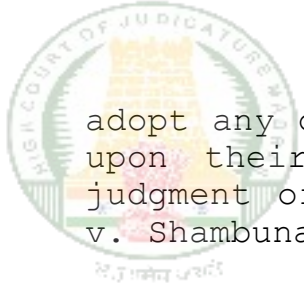
This Criminal Original Petition has been filed for a direction to the learned Judicial Magistrate Court, Alangulam to expedite the trial in C.C.No. 278 of 2017.

2.Heard learned Counsel for the petitioner and the learned Government Advocate (Cr1.Side) appearing for the respondent.

3. From the records, it is seen that the First Information Report was registered on 13.07.2012 and charge sheet was filed on 14.09.2012 against six accused persons for offences under sections 494, 498(A) IPC.

4. The trial court has framed charges on 25.04.2017 against all the six accused persons. Thereafter the case is getting adjourned due to absence of one or other accused. It is also seen that the prosecution in spite of being directed to issue summons to LW 1 to 3, has not taken steps to serve summons to the witnesses and start trial.

5. It is under these circumstances, the defacto complainant has filed the present petition. The trial court is directed to ensure the presence of all the accused persons . If the accused persons



adopt any dilatory tactics, it is open to the trial court to insist upon their presence and proceed against them in line with the judgment of the Honourable Supreme Court in State of Uttar Pradesh v. Shambunath Singh [JT 2001 (4) SC 319].

6. The prosecution is directed to ensure the presence of all the witnesses during next hearing date on 21.08.2018 and on such witnesses being examined in chief, the accused persons shall cross examine the witnesses on the same day as directed by the Hon'ble Supreme Court in Vinod Kumar vs. State of Punjab [2015(1) MLJ (crl) 288].

7. The learned Judicial Magistrate, Alangulam is directed to strictly follow the directions given by this Court and complete the trial within a period of three months from the date of receipt of a copy of this order.

8. With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Judicial Magistrate,
Alangulam.

2.-Do- through The Chief Judicial Magistrate,
Tirunelveli.

3. The Inspector of Police
Alangulam Police Station
Alangulam

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.M.Shema Daniel, Advocate SR.No.77356

Cr1.O.P. (MD) No.13784 of 2018
06.08.2018

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JM/RP/SAR 3/21.08.2018/2P/6C

<https://hcservices.ecourts.gov.in/hcservices/>