



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P. (MD) .No.20559 of 2018

WEB COPY

Kaja @ Kaja Maideen :Petitioner/Sole Accused/Sole Accused

-Vs-

1.The Inspector of Police,
Cantonment Police Station,
Trichy.

In Crime No.582 of 2016. :1st Respondent/Complainant/Complainant

2.Rani

:2nd Respondent Listed Witness No.1/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the Judicial Magistrate No.II, Trichy to expedite the Trial in C.C.No.60 of 2017 and complete the same within stipulated time fixed by this Court.

For Petitioner :Mr.S.Gokul Raj

For R-1 :Mr.R.Anandharaj, Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the Judicial Magistrate No.II, Trichy, to expedite the Trial in C.C.No.60 of 2017 and complete the same within stipulated time fixed by this Court.

2.Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the official respondent.

3.The learned counsel for the petitioner would submit that the petitioner is a teenager and a sole accused in Crime No.582 of 2016, registered by the first respondent, for an offence under Section 392 of I.P.C., on a false complaint given by the second respondent. He would further submit that the petitioner and the second respondent are neighbors, whereas, due to a civil dispute, on the instigation of the husband of the second respondent, a false complaint has been registered and after completing investigation first respondent has filed the final report before the learned Judicial Magistrate No.II, Trichy and it has been taken on file in C.C.No.60 of 2017. He would also submit that the petitioner has been regularly appearing before the Court from 24.03.2017. On 30.09.2017, L.W.1, the defacto complainant/second respondent was examined as P.W.1 and Ex.P.1 was marked and she was treated as
<https://hse.csiports.gov.in/reserve/> After, the case has been posted on several hearings and that the petitioner has appeared on all dates without fail. On 27.08.2018, summons have been issued to L.W.2 to L.W.4 and



thereafter, the case has been adjourned to 06.09.2018 and on 12.10.2018 and meanwhile the learned Magistrate has been transferred.

4.The learned counsel for the petitioner would submit that while it is so, after the transfer of the concerned Magistrate, there is no Presiding Officer in the concerned Court and that the case is being now called before the learned Judicial Magistrate No.I, who is in-charge of Judicial Magistrat No.II, Trichy. However, there is no progress in this case. He would further submit that speedy trial is a constitutional right guaranteed to the accused. The learned counsel for the petitioner would submit that though the petitioner wants to go abroad for employment, he is unable to do so due to the pendency of the petitioner and his career is at stake and thereby would seek for a direction to the learned Judicial Magistrate No.II, Trichy, to expedite the trial and complete the same within a stipulated time.

5.The learned Additional Public Prosecutor would submit that there are totally 8 witnesses and the L.W.1 has examined as P.W.1 and she has been treated as hostile and that they are ready to produce the other remaining witnesses. He would submit that since there is no Presiding Officer, the cases are called before the learned Judicial Magistrate No.I, Trichy, who is in-charge and the cases are called and adjourned after fixing dates.

6.Taking into consideration the submissions made on either side, the learned Judicial Magistrate No.I, Trichy, who is now in-charge of Judicial Magistrate No.II, Trichy, is directed to expedite the trial in C.C.No.60 of 2017, examine the remaining witnesses and complete the same as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this Order.

7.With this observation, this Criminal Original Petition stands closed.

Sd/
Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar(CS-2)

To:

- 1.The Judicial Magistrate No.I, Trichy.
- 2.The Judicial Magistrate No.II ,Trichy.
- 3.The Inspector of Police, Cantonment Police Station, Trichy.
- 4.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

1 cc to Mr. S. Gokulraj, Advocate. SR.No.97024.

DS/SV/SAR2/28.11.2018/2p/6c.

.Crl.O.P. (MD) .No.20559 of 2018

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