



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2018

CORAM:

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.[MD].No.20558 of 2018

S.Anthony Muthu

: Petitioner/Accused No.I

Vs.

The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
(Crime No.423 of 2012)

: Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the District Munsif Cum Judicial Magistrate, Eraniel, Kanyakumari District to dispose of S.T.C.No.1642 of 2013, within a time, as stipulated by this Court.

For Petitioner : Mr.C.T.Perumal
For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned District Munsif Cum Judicial Magistrate, Eraniel, Kanyakumari District to dispose of the case in S.T.C.No.1642 of 2013, and complete the trial with in a stipulated time as fixed by this Court.

2.The learned counsel for the petitioner would submit that the petitioner is an accused No.1, He was falsely implicated as an accused in Crime No. 423 of 2012, the same was registered by the respondent police on 06.10.2012, for the offences punishable under Section 3 of the Tamil Nadu Open Places (Prevention of Disfigurement) Act 1959. He would further submit that the respondent police without properly investigating the case, filed charge sheet on 30.12.2012, as against the petitioner and others and the same was taken cognizance by the learned District Munsif Cum Judicial Magistrate, Eraniel, Kanyakumari District in S.T.C.No.1642 of 2013. He also submitted that the first hearing of case on 19.11.2014 and it was periodically adjourned without any progress. The last hearing date was on 03.10.2018 and it was adjourned to 25.03.2019 for supply of copies. The right to speedy trial is a fundamental right guaranteed under Article 21 of Constitution of India. Hence, the present petition has been filed.



3. The learned Additional Public Prosecutor for the respondent would submit that the case has been posted on 25.03.2019 for supply of copies and he would submit that there are 7 witnesses in this case.

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4. Taking into consideration submissions made by the counsel on either side, the learned District Munsif Cum Judicial Magistrate, Eraniel, Kanyakumari District, is directed to dispose of the case in S.T.C.No.1642 of 2013, as expeditiously as possible preferably within a period of three months from the date of next hearing on 25.03.2019.

5. With the above observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Munsif Cum Judicial Magistrate,
Eraniel, Kanyakumari District.

2. The Inspector of Police,
Colachel Police Station,
Kanyakumari District.

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

+1cc to Mr..C.T.Perumal Advocate in SR.No.95748

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