

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.10.2019
CORAM
THE HONOURABLE MR. JUSTICE V.PARTHIBAN
Crl.O.P.No.27129 of 2019

Navaneedakirushnan

... Petitioner/Complainant

..Vs..

1.Sivakumar

2.Yuvaraj

3.Balasubramaniam

4.Ponnusamy

.... Respondents/Accused

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate, Dharapuram, to conclude the trial in C.C.No.76 of 2015, pending on the file of the Judicial Magistrate, Dharapuram, within a stipulated time to be fixed by this Court.

For Petitioner : Mr.N.Balamuralikrishnan

ORDER

The respondents herein are accused in C.C.No.76 of 2015, on the file of the Judicial Magistrate, Dharapuram. The petitioner is the complainant. The petitioner has filed the said private complaint alleging that the respondents have committed offence punishable under Sections 379 and 506(ii) of IPC. Seeking a direction to the learned Judicial Magistrate, Dharapuram, to conclude the trial in C.C.No.76 of 2015 within a stipulated time, the petitioner is before this Court with this petition.

2.I have heard the learned counsel for the petitioner and perused the records.

3.The case of the petitioner is that his father Subbukutti and one Ponnusamy, viz., the 4th respondent herein were running a Rice Mill. Subsequently, the petitioner's father was murdered on 26.10.2011. One day prior to the date of occurrence i.e. on 13.11.2012, the petitioner found the accused standing near the Mill, indulging in criminal conspiracy. In pursuance of the said conspiracy, it is alleged that on 13.11.2012, the accused have ransacked the entire Mill and the machineries and materials

worth Rs.4,00,000/- were found missing. On the same day, the petitioner lodged a police complaint with Kundalam Police station and the same was subsequently registered in Crime No.267 of 2012.

4.It is the further case of the petitioner that in order to escape from the criminal proceedings, the first respondent herein filed a Civil Suit in C.S.No.315 of 2012, on the file of the Sub Court, Dharapuram, claiming ownership over the Mill. Due to the pendency of the Civil Suit, it is alleged that the police have not taken any action on the FIR filed against the accused. It is further stated that the said FIR has been subsequently closed as 'mistake of fact'. Aggrieved over the same, the petitioner filed a private complaint, which was taken on file by the learned Judicial Magistrate, Dharapuram, as C.C.No.76 of 2015. However, it is stated that citing pendency of the Civil Suit filed by the first respondent, the case in C.C.No.76 of 2015 has not seen the light of the day. It is further stated that now the case in O.S.No.315 of 2012, filed by the first respondent, has been dismissed on 12.04.2017 and hence, the petitioner seeks a direction to the learned Judicial Magistrate, Dharapuram, to conclude the trial in C.C.No.76 of 2015, pending on the file of the Judicial Magistrate, Dharapuram, within a stipulated time.

5.The direction as sought is nothing to prejudice the rights of the respondents, this Criminal Original Petition is disposed off as under:

Taking into consideration the facts and circumstances of the case and also the long pendency of the case in C.C.No.76 of 2015, the learned Judicial Magistrate, Dharapuram, is directed to conclude the trial in C.C.No.76 of 2015, within a period of six months from the date of receipt of copy of this order and report the same to the Registry.

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Sd/-
Assistant Registrar(CS IV)
//True Copy//

Sub Assistant Registrar

msk

To

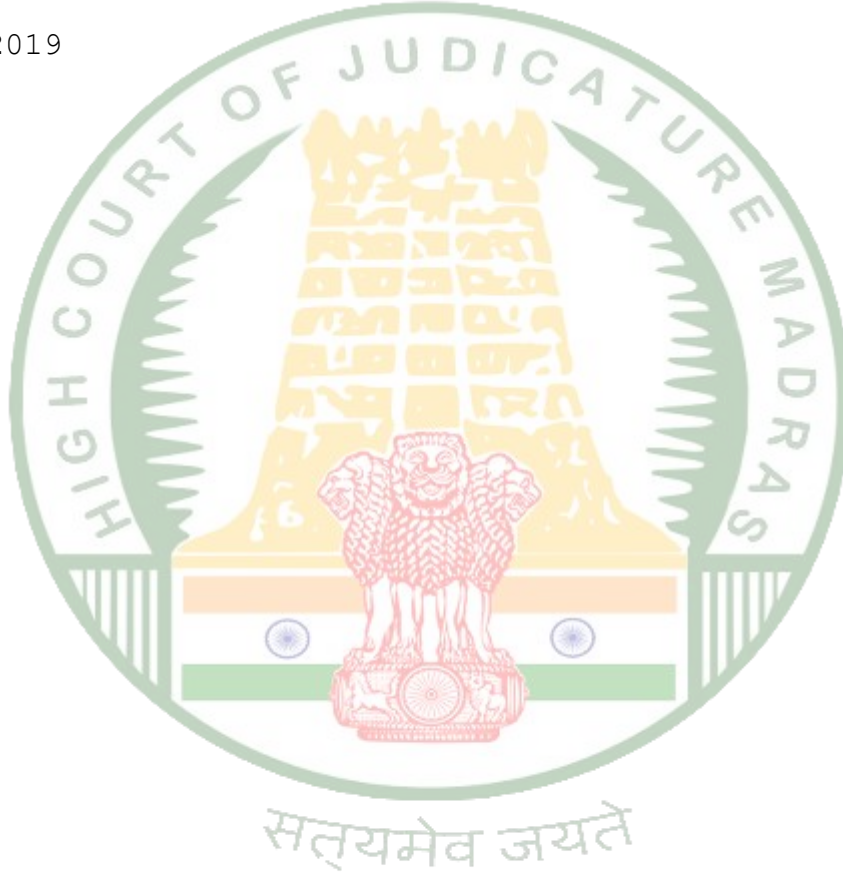
1.The Judicial Magistrate, Dharapuram.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.N.Balamuralikrishnan, Advocate sr.85563

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cnr(co)
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