



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.(MD)No.5122 of 2019

and

Cr1.M.P.(MD)Nos.3216 & 3217 of 2019

1.Samraj, S/o.Selvaraj Neelakandan

2.Beula, W/o.Samraj

... Petitioners

Vs.

1.State Through

The Inspector of Police,

South Police Station,

Thoothukudi District.

(Crime No.848 of 2017)

2.Jaslin Mahesh, S/o.Jeniston Deviraj

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No.255 of 2018, on the file of the Judicial Magistrate Court No.I, Thoothukudi, and quash the same.

For Petitioners: Mr.B.N.Raja Mohamed

For R1

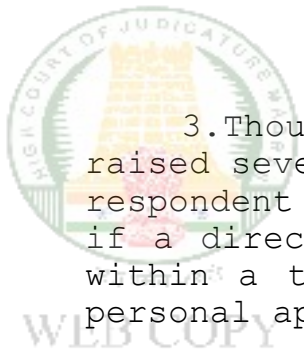
: Mr.A.P.G.Ohm Chairma Prabhu

Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.255 of 2018, on the file of the Judicial Magistrate Court No.I, Thoothukudi.

2.The case of the prosecution is that the petitioners borrowed a sum of Rs.10,00,000/- from the de-facto complainant. Thereafter, when the de-facto complainant demanded the said amount, the petitioners gave a life threat to the de-facto complainant and cheated him. Hence, the de-facto complainant lodged a complaint before the first respondent police and the same was registered as Crime No.848 of 2017. After examining the witnesses, the prosecution filed a charge sheet in C.C.No.255 of 2018 before the Judicial Magistrate Court No.I, Thoothukudi, against the petitioners. Against which, the petitioners have filed the present petition seeking to quash the proceedings in C.C.No.255 of 2018.



3. Though the learned counsel appearing for the petitioners raised several grounds for quashing the charge sheet filed by the 1st respondent Law Enforcing Agency, he submitted that it would suffice, if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and the personal appearance of the petitioners may be dispensed with.

4. Heard the learned Government Advocate (Criminal side) appearing for the first respondent.

5. Accepting the above said submission made by the learned counsel appearing for the petitioners, without going into the merits of the case, this Court directs the Trial Court to complete the trial in C.C.No.255 of 2018, within a period of six months from the date of receipt of a copy of this order. The petitioners shall present before the Trial Court for answering charges, for questioning under Section 313 Cr.P.C. and on the date of judgment. For other hearings, if the petitioners file an affidavit under Section 317 Cr.P.C., the same shall be liberally considered. If the accused adopt dilatory tactics, the Trial Court shall insist upon the presence of the accused. If the accused abscond, a fresh FIR shall be registered against them under Section 229-A IPC.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS)

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To

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

Crl.O.P. (MD) No.5122 of 2019
08.04.2019