



CRL OP(MD). No.7329 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Monday, the Thirty First day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD). No.7329 of 2017

A.Kalai Prasath,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Manavalakurichi Police Station
Kanyakumari District. (Cr.No.130 of 2016)

... Respondent/Complainant

Prayer :-

This Criminal Original Petition filed under section 407 of Cr.P. C.to transfer the C.C.No.155 of 2017 on the file of the Learned Judicial Magistrate, Eraniel to Learned Judicial Magistrate, Valliyoor, Tirunelveli District or any other suitable Judicial Magistrate Court in any other District.

ORDER:- This Criminal Original Petition coming on for hearing on this day in the caption for" Extension of time "and upon perusing the earlier order of this court

dated 25.09.2019 , and the requisition letter submitted by Judicial

<https://www.mca21.in.gov.in/jud>



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Magistrate, Valliyoor, forwarded by Chief Judicial Magistrate, Tirunelveli vide in letter D.No.1850/2023, dated 03/07/2023, this Court made the following order:

The learned Judicial Magistrate, Valliyoor by his letter dated 26.06.2023 has sought time to dispose of the case in C.C. No.363 of 2019.

2. This Court had directed the Registry on 14.06.2023 to call for explanation from the concerned Officer by observing as follows:

“This matter is listed today under the caption for 'Extension of Time'.

2. It is seen from the records that this Court vide order, dated 25.09.2019, has directed the learned Judicial Magistrate, Eraniel to transfer the case in C.C.No.155 of 2017 to the Court of Judicial Magistrate, Valliyoor, within a period of two weeks and directed the learned Judicial Magistrate, Valliyoor, to complete the trial in C.C.No.155 of 2017 and dispose of the same within a period of three months. Subsequently, at the request of the learned Judicial Magistrate, Valliyoor, vide order dated 04.09.2020, three months further time was granted. Thereafter, the learned Judicial Magistrate, Valliyoor has sent a requisition in November 2022 and subsequently, the present requisition, dated 06.04.2023, wherein it has been stated



that the case is pending for service of witness summons to L.W.1, L.W.2, L.W.4 and L.W.7. The learned Magistrate has not stated about the progress of the case so far. Though direction was given on 25.09.2019, first two witnesses are not yet examined till now.

3. Registry is directed to call for explanation from the concerned Officer"

3. After receiving the proceedings, the learned Judicial Magistrate, Valliyur had filed detailed report and in that report he has stated that he had examined some of the witnesses and some of the witnesses have to be examined and some of them have not appeared before the Court and one of the witness is not willing to give evidence till disposal of CrI.O.P.SR. No.9019 of 2013 filed by the defacto complainant.

4. The above said explanation is acceptable and the learned Judicial Magistrate, Valliyur is directed to expedite the trial proceedings and examine the witnesses. If the witnesses are not appearing before the Court, coercive steps have to be taken in accordance with law for producing witnesses and if the witnesses refuse to give evidence then the same may be recorded in the deposition and thereafter the Magistrate and proceed in accordance with law.



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5. Considering the request made by the learned Judicial Magistrate, Valliyoor and also considering the facts and circumstances of the case, time already granted by this Court to dispose the case in C.C. No.363 of 2019 is extended by another three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)

TO

1. THE CHIEF JUDICIAL MAGISRTATE,
TIRUNELVELI
2. THE JUDICIAL MAGISRTATE,
VALLIYOOR

ORDER DATED : 31/07/2023

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ORDER

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Giving direction and etc.
as stated within.

DL/(08.08.2023)/ 4P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.