



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No.18549 of 2019

Antony Doss

...Petitioner/Accused No.1

Vs.

1.State rep. by,
The Inspector of Police,
Commercial Crime Investigation Wing,
C.I.D., Tiruchirappalli,
In Crime No. 4 of 2010.

... 1st Respondent/Complainant

2.A.Palanivel

... 2nd Respondent/Defacto
Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned Charge sheet in C.C.No.5 of 2011 pending on the file of the Judicial Magistrate No.II, Trichy and quash the same as illegal in so far as the petitioner is concerned.

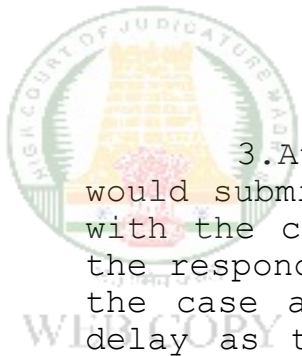
For Petitioner : Mr.M.Sridharan

For 1st Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.5 of 2011 pending on the file of the learned Judicial Magistrate No.II, Trichy.

2.The learned counsel appearing for the petitioner would submit that earlier the petitioner had approached this court seeking to quash the proceedings in C.C.No.5 of 2011 pending on the file of the learned Judicial Magistrate No.II, Trichy, in Crl.O.P.(MD). No.15995 of 2014 and this Court by order dated 26.09.2018, while dismissing the quash petition had directed the learned Judicial Magistrate No.II, Trichy to dispose of the case within a period of three months from the date of receipt of a copy of that order. Despite the order being passed on 26.09.2018, the trial has not yet been completed.



3.At this Juncture, the learned Additional Public Prosecutor would submit that there was no regular Magistrate appointed to deal with the cases and that is the reason for the delay and therefore, the respondents cannot be held responsible for delay in disposing of the case and further the case cannot be quashed on the ground of delay as the earlier dismissal has been passed after hearing the petitioner. He would further submit that earlier, this Court had found that no ground has been made out by the petitioner to quash the criminal proceedings against him and the Court had held that the grounds raised in the petition have to be gone into in a full fledged trial. Even at the time, P.W.1 to P.W.3 were examined. Totally, there are four witnesses in this case. Only because of non-availability of the presiding Officer, there is a delay in disposing the case and this case stands posted for examination of P.W.2/Investigating Officer on 16.12.2019 and on that day P.W.4 will be available for examination in chief.

4.Recording the aforesaid submission, this Criminal Original petition is closed. However, the learned Judicial Magistrate No.II, Trichy is directed to dispose of the case, within a period of Two Months from 16.12.2019.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

vsg

To:

- 1.The Judicial Magistrate No.II,
Trichy.
- 2.The Inspector of Police,
Commercial Crime Investigation Wing,
C.I.D., Tiruchirappalli,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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13.12.2019

JMN(06.01.2020) 2P : 4C