

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE T. RAVINDRAN

Crl.O.P.No. 19597 of 2020

C. Rajendran
S/o. Chennan

...Petitioner

.Vs.

State represented by
The Inspector of Police
Central Crime Investigation Wing (CCIW), (CID)
Thiruvannamalai
Thiruvannamalai District
Crime No.8/2015

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to issue a direction, directing the Judicial Magistrate-II, Thiruvannamalai, Thiruvannamalai District to dispose the discharge petition in Cr.M.P. No.1004/2018 in C.C. No.292 of 2017 pending on the file of the Judicial Magistrate-II, Thiruvannamalai within the stipulated time.

For Petitioner : Mr. G. Elanchezhian

For Respondent : Ms. M. Prabhavathi
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been laid by the petitioner seeking for a direction to the Judicial Magistrate-II, Thiruvannamalai, to dispose of the discharge petition in Cr.M.P. No.1004/2018 in CC No.292/2017 pending on the file of the Judicial Magistrate No.II, Tiruvannamalai, within a stipulated time.

2. The respondent police has laid the final report against the petitioner and the others in Crime No.8/2015 under Sections 408, 109, 477A, 120B, 471, 467 of IPC and the same had been taken cognizance by the Judicial Magistrate Court No.II, Tiruvannamalai, in CC No.292/2017.

3. Now according to the petitioner, he is no way connected with the crime involved in the abovesaid case and therefore, seeking for discharge from the abovesaid case, according to him, he has preferred the petition in Cr.M.P. No.1004/2018 and further stated that the respondent police has also filed the counter in the abovesaid Cr.M.P.. Even thereafter, the court below has not disposed of the Cr.M.P. and the same is kept pending endlessly and hence, according to the petitioner, he has been necessitated to lay the Criminal Original Petition for appropriate reliefs.

4. On a perusal of the records placed before this court, it is seen that the petitioner has preferred the discharge petition in Cr.M.P. No.1004/2018 in CC No.292/2017 on the file of the Judicial Magistrate No.II, Tiruvannamalai. It is further noted that counter has been filed by the respondent in the abovesaid Cr.M.P. Considering the case status of the abovesaid case, it is seen that, thereafter, the Cr.M.P. is kept pending without any progress. In such view of the matter, the contention of the petitioner is that a suitable direction should be given to the court below for concluding the enquiry in the abovesaid discharge petition within a stipulated period.

5. The Additional Public Prosecutor also submitted that a suitable direction may be given to the Court below for concluding the enquiry in the discharge petition as early as possible.

6. Considering the abovesaid factors in toto, in the fitness of things and in the interest of justice, in my considered opinion, a suitable direction should be given to the court below for concluding the enquiry in the abovesaid discharge petition.

7. For the reasons aforementioned, the Judicial Magistrate No.II, Tiruvannamalai, is directed to conclude the enquiry in the discharge petition preferred by the petitioner in Cr.M.P. No.1004/2018 in CC No.292/17 pending on his file within a period of six weeks from the date of receipt of a copy of this order in accordance with law.

8. Accordingly, the Criminal Original Petition is disposed of.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

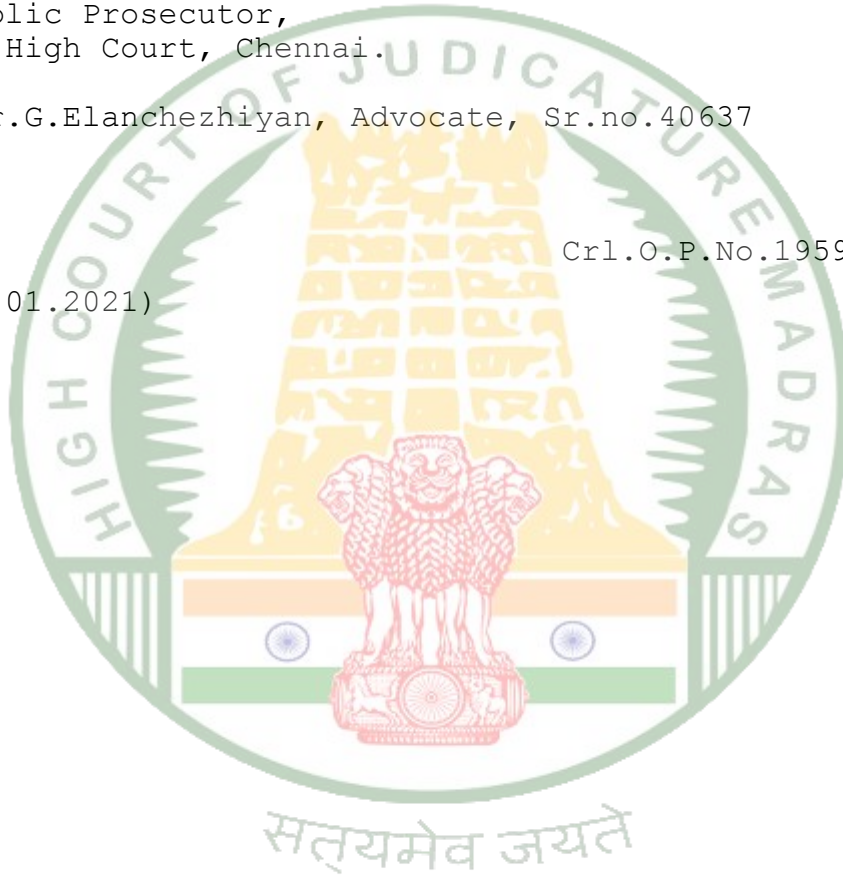
To

1. The Judicial Magistrate-II, Thiruvannamalai,
Thiruvannamalai District
2. The Inspector of Police
Central Crime Investigation Wing (CCIW), (CID)
Thiruvannamalai
Thiruvannamalai District
Crime No.8/2015
3. The Public Prosecutor,
Madras High Court, Chennai.

+lcc to Mr.G.Elanchezhiyan, Advocate, Sr.no.40637

Crl.O.P.No.19597 of 2020

rr ii (08.01.2021)



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