



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.[MD]No.9829 of 2020

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... Petitioner

Vs.

The State represented by
The Inspector of Police,
Kadaiyalumoodu Police Station,
Kanyakumari District.
Crime No.86 of 2019

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate No.I, Kuzhithurai, to expedite the trial and complete the same within stipulated time in S.T.C.No.168 of 2020, on the file of the learned Judicial Magistrate No.I. Kuzhithurai.

For Petitioner	: Mr.T.A.Ebenezer
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

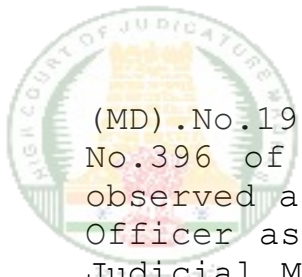
O R D E R

This Criminal Original Petition has been filed seeking a direction to direct the learned Judicial Magistrate No.I, Kuzhithurai, to expedite the trial in S.T.C.No.168 of 2020 and complete the same, within the period as stipulated by this Court.

2. The petitioner is an accused in Crime No.86 of 2019, on the file of the respondent Police, which was registered on 17.12.2019, for the offence punishable under Sections 270 and 278 of I.P.C., and Section 190(3) of Motor Vehicles Act, 1988. After completion of investigation, final report was filed on 23.12.2019, before the learned Judicial Magistrate No.I, Kuzhithurai and the same has been assigned with number as S.T.C.No.168 of 2020.

3. The grievance of the petitioner / accused is that since the case has been pending from the month of December 2019, it is necessary to complete the trial within a short period for the reason that a car and a lorry had already been seized by the respondent as a case property in this case. Further, the said vehicles are kept in the custody of the Court.

4. In this regard, on considering the submissions made by the learned counsel appearing for the petitioner, it would be



(MD).No.19 of 2020, as well as the order passed in Crl.R.C.(MD). No.396 of 2020, dated 14.07.2020. In the above orders, it was observed as since the vehicles were recovered by the Investigation Officer as a case property, it is necessary to direct the learned Judicial Magistrate to hand over the vehicles for interim custody to the owners by imposing some conditions and accordingly, orders also passed in favour of the petitioners. Though the said orders are in favour of the petitioners, they have not produced any relevant documents to show their bonafide and prove their ownership ultimately, they did not get back the vehicles for interim custody, Therefore, the fault is only with the petitioner and not against the Investigation Officer. Moreover, all are aware from the month of March 2020, the entire nation was affected by Covid-19 pandemic and thereby, the functioning of the Court is also stand still for the past six months.

5. Therefore, in the said circumstances, it is appropriate to direct the learned Judicial Magistrate No.I, Kuzhithurai, to dispose of the case in S.T.C.No.168 of 2020, as early as possible, after return of normalcy of the existing Covid-19 situation or the date on which, the functioning of the regular Court commences and report the same before this court after completion of the proceedings.

6. With the above observations and directions, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

TSG

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate No.I,
Kuzhithurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Kadaiyalumoodu Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Section Officer, Criminal Section-2 copies
Madurai Bench of Madras High Court, Madurai.

Order made in
Crl.O.P.[MD]No.9829 of 2020

Dated:
16.09.2020

AVS (CO)
KM (28.09.2020) 3P 6C