



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

Crl.O.P. (MD)No.19199 of 2019

R.A.R.P.Annamalai

: Petitioner/Accused

Vs.

1.The Inspector of Police,
East Police Station,
Kumbakonam Taluk,
Thanjavur District.

: 1st Respondent/Complainant

2.A.Liyakath Ali
Complainant

: 2nd Respondent/Defacto

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the Judicial Magistrate, Fast Track Court at Magistrate level, Thanjavur, to complete the trial in C.C.No.19 of 2017 and to pass order within a time frame as fixed by this Court.

For Petitioner : Mr.A.Senthilkumar

For R1 : Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

This Petition has been filed to direct the learned Judicial Magistrate, Fast Track Court at Magistrate level, Thanjavur, to complete the trial in C.C.No.19 of 2017 and to pass order within a time frame as fixed by this Court.

2.The learned counsel appearing for the petitioner would submit that the petitioner is facing a trial in C.C.No.19 of 2017 pending on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate level, Thanjavur. He would further submit that based on the complaint given by the second respondent, a case has been registered in Crime No.198 of 1999 against the petitioner for the offence under Sections 467, 468, 471 and 420 IPC. He would further submit that the above said complaint was given only as a counter blast complaint and the same has been taken on file in C.C.No.508 of 1999 on the file the learned Judicial Magistrate, Kumbakonam.

3.The present case is set up by the second respondent as a false defence against the petitioner. Based on the false complaint, the second respondent is also delaying the progress of the case in C.C.No.508 of 1999. The petitioner is prepared to prove his innocence in C.C.No.19 of 2017. He would further submit that originally, the case was taken in C.C.No.156 of 2006 on the file of the learned Judicial Magistrate, No.III, Thanjavur, and now it has



been transferred to the learned Judicial Magistrate Fast Track Court at Magistrate level, Thanjavur, and the same has been taken on file in C.C.No.19 of 2017 within the stipulated time.

4.He would further submit that now, the Trial Court has received the forensic report from the Forensic Department and the said report is in favour of the petitioner. The first respondent has sent some other document to the Forensic Department for getting expert opinion and that report is still awaited. He would further submit that the speedy trial is a constitutional right of the accused. The case has been registered in the year 1999. Even after 21 years of filing of the police complaint, it is still pending for pronouncement of orders before the learned Judicial Magistrate, Fast Track Court at Magistrate level, Thanjavur. Hence, he prayed this Court to direct the learned Judicial Magistrate, to dispose the case in C.C.No.19 of 2017 within the stipulated time.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

6.In view of the above, the learned Judicial Magistrate, Fast Track Court at Magistrate level, Thanjavur, is directed to call for the report from the Forensic Lab and complete the trial within a period of four months from the date of receipt of the report from the Forensic Lab.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

Dss

To

1. The Judicial Magistrate,
Fast Track Court at Magistrate level,
Thanjavur.
 - 2.The Inspector of Police,
East Police Station,
Kumbakonam Taluk,Thanjavur District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
- +1 CC to M/s.A.SENTHIL KUMAR, Advocate (SR-2345[F] dated 22/01/2020

Crl.O.P. (MD)No.19199 of 2019

21.01.2020

SMA/07/02/2020/2P/5C

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