



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17589 OF 2021

S.P.Moorthy
S/o.P.Palani

...Petitioner/Complainant

Versus

The Inspector of Police,
District Crime Branch,
Thiruvallur,
Thiruvallur District.

....Respondent/Police

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Judicial Magistrate-II, Thiruvallur to dispose the C.C.No. 36 of 2021 within a time frame fixed by this Hon'ble Court.

For Petitioner	:	Mr.T.Karunakaran
For Respondents	:	Mr.R.Vinoth Raja
		Govt. Advocate (Crl.side)

ORDER

(This case has been heard through video conference)

According to the petitioner/defacto complainant, he lodged a complaint in Crime No.18 of 2011 for offence under Sections 420, 423, 465, 468 and 471 r/w 120(b) I.P.C. before the respondent police. Thereafter, no action taken by the respondent police. Hence, the petitioner was constrained to move this court in Crl.O.P.No. 173 of 2021 and this Court given a positive direction on 08.01.2021. Thereafter, only charge sheet came to be filed on 31.03.2021 and the case was taken on file in C.C. No.26 of 2021. Thereafter, all the accused appeared and initial questioning completed on 08.04.2021 and the case was periodically adjourned from 01.06.2021 to 23.09.2021 without any progress.

2. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that in this case, on completion of investigation, final report was filed on 31.03.2021. Now,



there are totally 7 accused in this case. 15 witnesses listed. Witnesses would be produced by the respondent police then and there without any delay. Since the Judicial Magistrate No.II is vacant, the trial could not be completed and the respondent police are not the reason.

3. Heard the submissions made on either side and perused the materials available on records carefully.

4. Finding that, in this case, F.I.R. came to be registered in the year 2011, 10 years late charge sheet filed that too at the intervention of this Court. Now, the case is at the stage of trial. The non-availability of regular Judicial Magistrate cannot be a reason. In view of the same, this Court directs the Judicial Magistrate No.II or the incharge to proceed with the trial and complete the trial within a period of 6 months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp/nr

To

1. The Inspector of Police,
District Crime Branch,
Thiruvallur,
Thiruvallur District.
2. The Public Prosecutor, (Crl side)
High Court, Madras.
3. The Judicial Magistrate No.II
Thiruvallur

+1cc to Mr.T.Karunakaran, Advocate, S.R.No.51536

CRL.O.P.No.17589 of 2021

SRA (CO)
PM/12/10/2021