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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17222 of 2021

K.Venkatesan

... Petitioner

Versus

State represented by
The Inspector of Police,
Veppamakuppam Police Station,
Vellore District.
(Crime No.85 of 2014)

...Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Judicial Magistrate No.III, Vellore, Vellore District to dispose of the case in C.C.No.538 of 2014, within a stipulated time frame.

For Petitioner : Mr.K.Balasubamaniam

For Respondent : Mr.R.Vinothraja
Government Advocate [Crl. Side]

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.III, Vellore, Vellore District to dispose of the case in C.C.No.538 of 2014, within a stipulated time frame.

2.The petitioner is LW2 and examined as PW1 in C.C.No.538 of 2014 on the file of the Judicial Magistrate Court No.III, Vellore.

3.The contention of the petitioner is that his mother is the defacto complainant and listed as LW1. Since the petitioner's mother passed away during the month of March, 2019, the petitioner stepped into the shoes of his mother and had



filed a petition along with the Death Certificate of his mother, which was accepted by the lower Court and thereafter the lower Court by order dated 01.10.2019, permitted the petitioner to assist the prosecution.

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4.He further submits that there are totally eight witnesses in this case. Yesterday, the case was posted for examination of the Investigation Officer i.e. LW8 i.e. the last witness. Since the death of the mother of the petitioner, Death Certificate of the petitioner's mother was produced and recorded on 29.11.2021. On that date, the trial Court has not examined LW8 and posted the case to 30.12.2021.

5.The grievance of the petitioner is that from the year 2014, the case has been kept pending for one reason or other. Despite several representations made by the petitioner before the lower court by informing the delay and dilatory tactics adopted by the accused. The trial Court gave no priority in disposal of the above C.C.No.538 of 2014.

6.The learned Government Advocate [Cr1. Side] submits that all the witnesses examined, except the Investigating Officer is to be examined in this case. He further submits that the Investigating Officer is to be examined on 30.12.2021 as well as the Death Certificate of LW1 to be produced before the Lower Court on 30.12.2021 and the prosecution is not reason for delay.

7.Considering the submissions and on perusal of the materials and the undertaking given by the learned Government Advocate, this Court directs the lower Court to conclude the case, within a period of one month from 30.12.2021, preferably by 30.01.2022.

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

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.III,
Vellore, Vellore District.
2. The Inspector of Police,
Veppamakuppam Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.K.Balasubramanian, Advocate, S.R.No.62115

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KSM(CO)
SU(09/12/2021)