



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25.01.2021

PRESENT

THE HONOURABLE MRS .JUSTICE R.HEMALATHA

CRL OP(MD). No.962 of 2021

Joelin Jobi

... Petitioner/Defacto Complainant

Vs

1.State through the Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District. ...1st Respondent/Defacto Complainant

2.D.Bensigar Rajasingh ...2nd Respondent/Accused No.1

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to direct the Judicial Magistrate No.II, Kuzhithurai to dispose the case in CC.No.62 of 2014 within the time stipulated by this Court.

For Petitioner : Mr.J.Sam Japa Singh

For R-1 : Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

The present petition is filed by the petitioner seeking for a direction to the learned Judicial Magistrate No.II at Kuzhithurai to dispose the case in CC.No.62 of 2014 within a specific time frame.

2.Mr.J.Sam Japa Singh, learned counsel appearing for the petitioner drew the attention of this Court to the extract of B-diary and submitted that though the trial was concluded and the accused was also questioned under Section 313 of Code of Criminal Procedure, the learned Judicial Magistrate, Kuzhithurai is repeatedly adjourning the case for arguments.

3.Mr.S.Chandrasekar, learned Additional Public Prosecutor, who accepts notice on behalf of the first respondent, on instructions, would submit that the case in CC.No.62 of 2014 is posted for arguments today (i.e. 25.01.2021) and that the case would be disposed of soon.

4.It is very unfortunate that the learned Judicial Magistrate, Kuzhithurai did not hear the arguments since 2018 and a perusal of the extract of B-diary also shows that several adjourments were granted to both the prosecution as well as the accused to advance their respective arguments. In the circumstances, the learned Judicial Magistrate No.II, Kuzhithurai is directed to dispose of C.C.No.62 of 2014 within a period of two weeks from the date of receipt of a copy of this order and report the same to this Court.



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

Sd/-

Assistant Registrar ()

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.II,
Kuzhithurai.
2. The Chief Judicial magistrate,
Kanyakumari
3. The Inspector of Police,
All Women Police Station,
Colachel, Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.SAM SABA SINGH, Advocate (SR-2099[F] dated 27/01/2021)

CRL OP(MD) . No.962 of 2021
25.01.2021

MJ(CO)
KB(16.02.2021) 2P 7C