



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Wednesday, the Sixteenth day of November Two Thousand and Twenty
Two

PRESENT

WEB COPY The Hon'ble Mr. Justice SATHI KUMAR SUKUMARA KURUP
CRL OP(MD). No.4770 of 2021

Jothi Lakshmi

... Petitioner/Defacto Complainant

Vs

1 The Inspector of Police,
Batlagundu Police Station,
Dindigul Cr No.433/2016

... Respondent/Complainant

Prayer :-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Learned Judicial Magistrate, Nilakottai to expedite the trial and dispose of the case in C.C.No.392 of 2018 within the period that may be stipulated by this Honourable Court and thus render justice.

ORDER:- This Criminal Original Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon perusing the letter D.No.1913 Dated 28/10/2022 from Judicial Magistrate, Judicial Magistrate Court, Nilakottai, this Court made the following order:

" This Petition was filed by the defacto complainant/Petitioner seeking direction against the learned Judicial Magistrate, Nilakottai to expedite the trial and dispose of the case in C.C.No.392 of 2018 within the time stipulated by this Court. By an order dated 29.03.2021, this Court directed the learned Judicial Magistrate to dispose of the case in C.C.No.392 of 2018 within a period of six months from the date of receipt of a copy of this order.

2.The learned Judicial Magistrate forwarded a letter dated 28.10.2022, requesting further time to dispose of the said case. In that letter, it is stated that due to non appearance of the accused 3 and 4, the case could not be proceeded. On 06.10.2022, the third accused was produced by the Inspector of Police and he is now remanded to judicial custody. Thereafter, the fourth accused surrendered and NBW pending against him was recalled. He also furnished sureties. Now the case is posted for further hearing on 01.12.2022. Hence, he seeks further time to dispose of the case.

<https://www.mhc.tn.gov.in/judis>



3. The conduct of the learned Judicial Magistrate in granting long adjournment is unacceptable, that too when there is a specific direction to dispose of the case. When the third accused was produced and the fourth accused surrendered voluntarily, the learned Judicial Magistrate ought to have furnished the copies on the same date or the next date, when the case is adjourned. Instead, the learned Judicial Magistrate had adjourned the case to 01.12.2022, which cannot be accepted by this Court.

4. The learned Judicial Magistrate shall act as an assertive trial Judge and he shall not act as an umpire in a cricket field watching the proceedings from the side line. He shall not be at the disposal of the appearing Counsels granting time on their whims and fancies. While recording evidence, if the accused absconds, he shall issue warrant and direct the Police officials concerned to secure the accused. If the accused is produced on execution of warrant, the learned Magistrate shall detain him/her in the Prison till the trial concludes in either acquitting or convicting the accused based on the appreciation of evidence. He shall not seek extension of time on the ground that "the accused is absconding and not cooperating".

5. When the witnesses are present, the learned Judicial Magistrate shall stick on to the ruling of the Hon'ble Supreme Court in **Vinoth Kumar vs. State of Punjab** regarding cross examination of witnesses by the learned Counsel appearing on behalf of the accused on the same day. Cross examination of witnesses shall not be deferred or petition under Section 311 Cr.P.C., shall not be entertained, when there is a specific direction to complete the trial and to dispose the case within stipulated time.

6. Considering the facts and circumstances, the learned Judicial Magistrate, Nilakottai is directed to complete the trial proceedings and dispose of the case in C.C.No.392 of 2018 within a period of two months from the date of receipt of a copy of this order. The learned trial Judge shall stick to the time table as per the directions. If the learned Judicial Magistrate is unable to dispose of the case within the time stipulated by this Court, it may attract disciplinary proceedings against him. "

Sd/-

Assistant Registrar ()

// True Copy //

/12/2022

Sub Assistant Registrar (CS)



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TO

1. The Judicial Magistrate, Nilakottai.
2. The Chief Judicial Magistrate, Dindigul.

WEB COPY

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 16/11/2022

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ORDER
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CRL OP(MD) . No.4770 of 2021

Giving direction and etc.
as stated within.

AMS (01.12.2022) 3P 4C