



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD).No.5503 of 2021

Krishnakumar

... Petitioner

Vs.

The State rep., by the
Inspector of Police,
S.S.Colony Police Station,
Madurai District.
(Cr.No.287/2019)

... Respondent

Prayer : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate Court No.5, Madurai to complete the trial in C.C.No.819 of 2020 within a period that may be stipulated by this Court.

For Petitioners	: Mr.M.Siva Sankar
For Respondents	: Mr.R.Srinivasan
	Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking a direction to the learned Judicial Magistrate Court No.5, Madurai to complete the trial in C.C.No.819 of 2020 within a period that may be stipulated by this Court.

2. The case of the prosecution is that there was a previous enmity existing between the petitioner and the respondent. Out of motive, that on 29.03.2019 at about 20.45 P.M, some secret information has been received that two persons are standing in Meenakshi car parking near Kennat Main Road Madurai town and selling lottery. Based on the information, the defacto complainant along with the other police personnels went to the spot. When they reached the spot, they saw a person standing in that place, in a suspicious manner. During the enquiry it is said to have been stated that the respondent and other police officials abused the petitioner with filthy language and threatened to give a sum of Rs.10 lakhs and attacked him with plastic pipe in leg and hands. At the time, the petitioner's hand bone broken and sustained injuries in whole body, and he was admitted in the government hospital as in-patient for more than 7 days. Further, the petitioner and others said to have threatened him with dire consequences. On knowing the same, the petitioner has preferred a



private complaint before the concerned Judicial Magistrate Court No.5, Madurai in C.C.No.807 of 2019. On receipt of the said complaint, that on 29.10.2019, the respondent police had registered a case in Crime No.287 of 2019 against the petitioner and others.

WEB COPY

3. On completion of the investigation, the respondent police had filed charge sheet against the petitioners before the Judicial Magistrate Court No.5, Madurai and the same was taken cognizance for the offences punishable under Sections 120(B), 406 & 420 of IPC and Section 5, 7(1), 7(3) of the Lotteries (Regulation) Act, 1998 in C.C.No.819 of 2020, on the file of Judicial Magistrate Court No.5, Madurai. The petitioner is arrayed as accused No.1. Thereafter, the petitioner and other accused persons have received summons from the trial Court and on receiving the same the petitioner as well as the other accused persons have been appearing regularly before the Judicial Magistrate Court No.5, Madurai.

4. After filing of the charge sheet the case was taken on file, the petitioner is appearing before the trial Court each and every hearing and the respondent police has failed to produce the prosecution witnesses to the trial court. The petitioner was threatened by the Police officials to withdraw his private complaint and after that all prosecution witnesses appear before this Court. The trial Court could not proceed further in view of the non production of the prosecution witnesses by the respondent police. The prosecution witnesses and respondent police official only alone is not cooperating for the effective disposal of the case and the case is adjourned one or other reasons without much progress. In view of the pendency of the case, the petitioner is regularly appearing before the trial Court. The petitioner could not appear before the trial Court and he is finding it very difficult for his survival on the date of hearing.

5. Heard the learned counsel for the petitioner and the learned Government Advocate.

6. The respondent police has not chosen to produce the witnesses in connection with this case before the trial Court despite the several intimation given by the trial Judge for the production of witnesses in this case. Every hearing, the respondent police has come up with some reasons for not producing the witnesses before the Court. Further the prosecution witnesses No.1 to 5 has also without assisting the court to complete the proceedings at the earliest in prolonging the matter by saying and adopting one or other novel methods. The petitioner is suffering in attending Court proceedings frequently. The right to speedy trial is a form part of right guaranteed under Article 21 of



Constitution of India. The pendency of this case, causing stigma to the petitioner and the delay on the part of the respondent police to complete the trial affects the fundamental rights of the petitioner.

7. In view of the above, this Court directs the learned Magistrate No.5, Madurai to complete the trial within a period of four months from the date of receipt of a copy of this order.

8. With the above directions, this Criminal Original Petition stands disposed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

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.5,
Madurai.

2.Inspector of Police,
S.S.Colony Police Station,
Madurai District.

+1 CC to M/s.M.SIVASANKAR, Advocate (SR-16683[F] dated 20/04/2021)

CrI.O.P. (MD)No.5503 of 2021

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CN(13.07.2021) 3P 4C