



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction



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

PRESENT

WEB COPY

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD). No.13453 of 2021

P.Velusamy

... Petitioner/P.W.1

Vs

The Inspector of Police
District Crime Branch,
Tirunelveli.

... Respondent/Complainant

Prayer :-

Criminal Original Petition filed Under Section 482 Cr.P.C, to direct the learned Special Court for Land Grabbing Cases, Tirunelveli to complete the trial in C.C.No.4 of 2013 within the time stipulated by this Court.

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.498/2022 dated 08/11/2022 from Special Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli, this Court made the following order:

When the case came up for hearing on the earlier occasion, this Court had sought remarks from the learned Special Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli. Therefore, the learned Special Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli had furnished his remarks to this Court.

2.In the remarks offered by the learned Special Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli in D.No.351/2022 dated 22.08.2022, it had been stated that he had examined L.W1 to L.W5 as P.W1 to P.W5. For the remaining witnesses, he had also sought extension of time of five months to dispose of the case in C.C.No.4 of 2013. Therefore, this Court had sought detailed report regarding commencement of trial and number of witnesses to be examined and whether the learned Assistant Public Prosecutor is available for the said Court. Accordingly, he had submitted his detailed remarks in D.No.498/2022 dated 08.11.2022.

3.In the remarks dated 08.11.2022, it had been stated that the learned Special Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli is a newly appointed Judicial Officer and is holding full additional charge of learned Judicial Magistrate No.IV,



Tirunelveli. He conducts the proceedings in the regular Court on every Monday, Wednesday and Friday and conducts the proceedings in the additional Court on every Tuesday and Thursday.

4.It has been further stated that Mr.Subramanian is the learned Special Public Prosecutor, who is attending before the Special Court for Land Grabbing Cases, Tirunelveli. Mr.Mahilvannan, who is the learned Assistant Public Prosecutor, is also attending the Court of the learned Judicial Magistrate No.IV, Tirunelveli for prosecution. There are totally 9 witnesses, as per the Charge Sheet in C.C.No.4 of 2013. Already he had examined 5 witnesses.

5.Considering the fact that the learned Special Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli had already examined 5 witnesses, he can examine the remaining witnesses within a week. Therefore, further time of one month will be sufficient.

6.In the light of the above, the learned Special Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli is directed to complete the examination of the witnesses within a day or two on day-to-day basis. He shall not grant adjournment, as already this Court had directed him to dispose of the case within the specified time. Also, as per the reported ruling of the Hon'ble Supreme Court in the case of **Vinod Kumar Vs. State of Punjab** reported in **CDJ 2015 SC 115**, he shall not grant adjournment at the whims and fancies of either the accused or their Counsel. He shall adhere to the directions issued in the said ruling. He shall also dispose of the case in C.C.No.4 of 2013 within a period of one month from the date of receipt of a copy of this order and report compliance to this Court.

7.Post the matter after one month for reporting compliance.

Sd/-

Assistant Registrar (CS II)

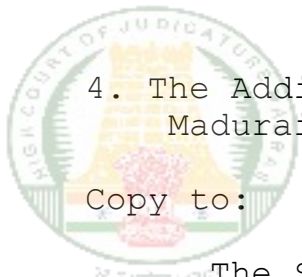
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/11/2022

Sub Assistant Registrar(CS)

TO

1. The Special Judge,
Special Court for Land Grabbing Cases, Tirunelveli.
2. The Judicial Magistrate No.IV, Tirunelveli.
3. The Inspector of Police,
District Crime Branch, Tirunelveli.



4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



Copy to:

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

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ORDER DATED : 09/11/2022

REPORTING COMPLIANCE

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ORDER

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CRL OP(MD) . No.13453 of 2021

Giving direction and etc.
as stated within.

MGJ/AR(17.11.2022) 3P 6C