



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.17452 of 2021

WEB COPY

Thiruselvam

... Petitioner/Complainant

Vs

1.Kavitha

2.E.Mohan

3.Prema

... Respondents/Accused

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct speedy trial in Crl.M.P.No.7935 of 2019 on the file of the Judicial Magistrate No.II, Nagercoil within the time stipulation as prescribed by this Court.

For Petitioner : Mr.P.Samuel Gunasingh

ORDER

Heard the learned counsel for the petitioner. Considering the nature of relief to be granted, notice to the respondents is dispensed with.

2. The petitioner was prosecuted in C.C.No.315 of 2014 at the instance of the first respondent. The petitioner had been acquitted in the said case. The allegation of the petitioner is that the respondents herein had given false evidence in the said case. Therefore, seeking to prosecute them for the offences under Section 193 of IPC r/w Section 109, he filed a private complaint against them. Though the private complaint was filed way back in the year 2019, it is yet to be taken on file. The petitioner's sworn statement has been recorded. But the trial Magistrate is yet to take a call as regards cognizance. Therefore, to direct the trial Magistrate to take a call in the matter, this criminal original petition has been filed.

3. Without going into the merits of the matter, the learned Judicial Magistrate No.II, Nagercoil is directed to take a decision as to whether the private complaint filed by the petitioner should be taken on file or not. This decision as regards cognizance shall be taken within a period of four weeks from the date of receipt of a copy of this order.



4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-I)

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// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Rmi

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

The Judicial Magistrate No.II, Nagercoil.

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