



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 01/12/2021

CORAM

The Hon'ble Mr. Justice K. MURALI SHANKAR

CRL OP(MD). No.18180 of 2021

S. Mariappan

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Nanguneri Police Station.
Cr.No.104 of 2013.

... Respondent/Complainant

PRAYER :- Petition filed under Section 482 Cr.P.C., to direct the Learned Judicial Magistrate, Nanguneri to conclude the trial in CC.No.459 of 2020 within stipulated time as fixed by this Court.

For Petitioner : M/s. Ebenezer T.A., Advocate.
For Respondent : Mr. RMS. Sethuraman,
Additional Public Prosecutor

ORDER

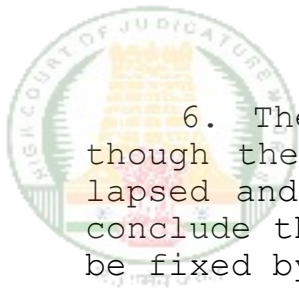
This Criminal Original Petition is filed seeking a direction to the Learned Judicial Magistrate, Nanguneri to conclude the trial in C.C.No.459 of 2020 within stipulated time as fixed by this Court.

2. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials placed on record.

3. It is not in dispute that the F.I.R., in Cr.No.104 of 2013 has been registered for the alleged offences under Sections 307 I.P.C., and Section 30 of Arms Act and after investigation, a charge sheet was laid for the said offences and the case was taken on file in P.R.C.No.15 of 2016, on the file of the learned Judicial Magistrate, Nanguneri. Thereafter, the case was committed to the Principal Sessions Court and the same was made over to the Assistant Sessions Court, Valliyoor in S.C.No.96 of 2017.

4. It is also not in dispute that while framing charges, the learned Assistant Judge, Valliyoor has framed charges only for the offences under Section 506(ii) I.P.C., and Section 30 of Arms Act. Since the offences were triable by the Court of Judicial Magistrate, the case was transferred to the Court of Judicial Magistrate, Nanguneri for proceeding with the trial, vide order dated 24.02.2017.

5. The learned Additional Public Prosecutor appearing for the State would submit that though the case was transferred on 24.02.2017, the case was taken on file as C.C.No.459 of 2020, on the file of the Judicial Magistrate, Nanguneri in the year 2020 and the case stands posted to 14.12.2021 for examination of witnesses.



6. The learned Counsel for the petitioner would submit that though the case was registered in the year 2013, eight years were lapsed and that the learned Judicial Magistrate may be directed to conclude the trial in C.C.No.459 of 2020 within a stipulated time to be fixed by this Court.

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7. Considering the facts and circumstances of the case and also the fact that though the F.I.R., came to be registered on 02.05.2013, the case is now pending in C.C.No.459 of 2020 and the trial is yet to be commenced, this Court is inclined to give directions to the trial Court to complete the trial. Accordingly, the learned Judicial Magistrate, Nanguneri is directed to complete the trial in C.C.No.459 of 2020 on merits and in accordance with law, 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 is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

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, Nanguneri.
2. The Inspector of Police,
Nanguneri Police Station.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to :

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

ORDER IN
CRL OP(MD) No.18180 of 2021
Date : 01/12/2021