



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P.(MD)No.19171 of 2021

R.Rajasekaran

... Petitioner / Sole Accused

Vs.

1. The State through,
The Sub Inspector of Police,
Law and Order,
Palayamkottai police station,
Thirunelveli City.
(Crime No.46 of 2014)

... 1st Respondent /
De jure Complainant

2. M.Kanagavalli

... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the entire records connected with the case in C.C.No.377 of 2019 pending on the file of the Judicial Magistrate, Additional Mahila Court, Tirunelveli and quash the same as illegal.

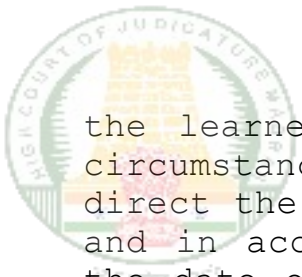
For Petitioner : Mr.S.Malaikani
For R-1 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2. Crime No.46 of 2014 was registered on the file of Palayamkottai police station, against as many as four accused. Charge sheet was filed and cognizance of the offences was also taken. It is stated that accused Nos.1 to 3 are absconding and non-bailable warrant is pending against them. Hence, the case was split up against the petitioner herein. The petitioner's counsel wants this Court to quash the impugned proceedings on account of delay. He would point out that the delay in rendering justice amounts to denial of constitutional right to speedy trial. The impugned proceedings have to be quashed.

<https://hcservices.courts.gov.in/hcservices> 3. Though as a matter of proposition, the statement made by



the learned counsel is unexceptional, considering the facts and circumstances of this case, instead of quashing the proceedings, I direct the learned trial Magistrate to conclude the case on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. All the contentions and the defences of the petitioner are left open. The petitioner is residing in Sivakasi. The case is being tried in Tirunelveli.

4. The personal appearance of the petitioner before the Court below is dispensed with. However, the petitioner has to appear before the Court below on the following three occasions:-

i) To answer the charges,

ii) at the time of examination under Section 313 of Cr.P.C. and

iii) at the time of pronouncement of Judgment.

The petitioner also will have to appear when his presence is insisted upon by the trial Court and on all other occasions, the petitioner can be represented by his counsel. If the petitioner's counsel also fails to appear, the benefit of this order will stand vacated automatically.

5. This criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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,
Additional Mahila Court, Tirunelveli.

2. The Sub Inspector of Police,
Law and Order,
Palayamkottai police station,

<https://hcservices.thirunelvelicity.gov.in/> City.



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

+1 CC to M/s.S.MALAIKANI, Advocate (SR-37550[F] dated 07/12/2021)

WEB COPY

Crl.O.P. (MD)No.19171 of 2021
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NSN (CO)

SB(15.12.2021) 3P 5C