

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.10072 OF 2022

K.R.Sivanantham

... Petitioner/Accused No.6

Vs.

The Deputy Superintendent of Police,
DCB, Namakkal,
Crime No.2 of 2018

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate, Court No.1, Namakkal to consider and dispose the petition for tendering pardon in C.M.P.No.222 of 2019 (C.M.P.No.255A/2019) in C.C.No.156 of 2020 within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Court No.1, Namakkal to consider and dispose the petition for tendering pardon in C.M.P.No.222 of 2019 (C.M.P.No.255A/2019) in C.C.No.156 of 2020 within the time frame.

2. The case of the prosecution is that the petitioner is the Accused No.6 in Crime No.2 of 2018 registered under Section 120(b), 193, 466, 467, 468 & 420 IPC on the complaint given by one Murugesan. One Chelladurai resident of Malaysia owned several lands in Namakkal Town and other areas in Namakkal. He died leaving behind his legal heirs. The said legal heirs gave power of attorney to one Murugesan. In order to grab the

proeprty the petitioner and other accused persons hatched conspiracy, fabricated and forged the documents, as if the deceased Chelladurai has executed the power of attorney and using the same as genuine, grabbed and alienated the property to several persons.

3. The learned counsel for the petitioner submitted that the petitioner was used as a tool by the other accused in all the transactions. Petitioner's statement under Section 164 of Cr.P.C. was recorded by the learned Judicial Magistrate - I, Namakkal in CMP.No.255A of 2019 and now the same is assigned with CMP.No.222 of 2019 in C.C.No.156 of 2020 and the case was investigated and taken on file as C.C.No.156 of 2020 and the same is pending. Despite the fact that an application was filed by the respondent in the year 2019 and statement under section 164 was recorded as early as on 18.01.2019 the same has not been taken up and no orders had been passed. Three years have passed but no progress has been made. Hence the petitioner filed the present petition to expedite the disposal of the pending application in CMP.No.222 of 2019 for tendering pardon in C.C.No.156 of 2020 on the file of the Judicial Magistrate Court-I, Namakkal.

4. Heard both sides.

5. In view of the above, direction is issued to the learned Judicial Magistrate Court No.I, Namakkal to dispose the petition in C.M.P.No.222 of 2019 (CMP.No.255A/2019) in C.C.No.156 of 2020 on merits as expeditiously as possible preferably, within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, the Criminal Original Petitions stand disposed of.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Judicial Magistrate Court No.1,
Namakkal.

2. -do- through The Chief Judicial Magistrate,
Namakkal.
3. The Deputy Superintendent of Police,
DCB, Namakkal.
4. The Public Prosecutor
High Court of Madras.

+1cc to M/s.R.Prabakar, Advocate, S.R.No.36700

Cr1.O.P.No.10072 of 2022

GJ(CO)
RLP(13/07/2022)