



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Monday, the Nineteenth day of September Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL O.P. (MD) No.1958 of 2022

S. Abubakkar

... Petitioner

Vs

1 The Inspector of Police
Silaiman Police Station
Silaiman
Madurai District.
(Cr.No.269/2017)

...1st Respondent/ Complainant

2 Meenakshi

... 2nd Respondent/ Defacto Complainant

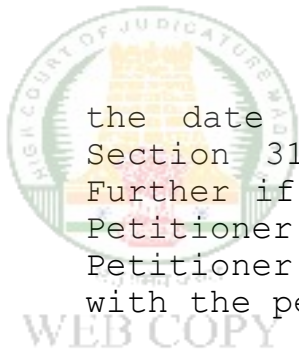
Prayer :-

This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in C.C.No.410 of 2019 on the file of the learned Judicial Magistrate No.II, Madurai and quash the same as against the petitioner.

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.1947, dated 07/09/2022 from the Judicial Magistrate No.II, Madurai; this Court made the following order:

The learned Judicial Magistrate No.II, Madurai had offered explanation regarding her inability in not disposing the case in C.C.No.410 of 2019 within the stipulated time of four months as per the direction of this Court in Crl.O.P(MD) No.1958 of 2022.

2. The learned Single Judge of this Court had dismissed the Crl.O.P(MD) No.1958 of 2022 seeking to quash the proceedings in C.C. No.410 of 2019 on the file of the learned Judicial Magistrate No.II, Madurai. The learned Single Judge of this Court had directed the Judicial Magistrate concerned to grant exemption from appearance of the Petitioner who is the accused in C.C.No.410 of 2019. It is the case under Section 304(A) of IPC. The learned Single Judge of this Court exempted the Petitioner from appearing before the Court considering his age as Senior Citizen. At the same time, the learned Single Judge had directed the Judicial Magistrate concerned to



the date of framing charges, for examination of accused under Section 313 of Cr.P.C and at the time of pronouncing judgment. Further if the Petitioner is unable to appear before the Court, the Petitioner shall be represented by the Counsel and if the Petitioner's Counsel is also absent, the benefit of dispensing the with the personal appearance will stand automatically vacated.

3. From the remarks, it is found that LW.6,7,14 and 15 are yet to be examined. The learned Judicial Magistrate shall prevail upon the prosecution to dispense with the witnesses if sufficient witnesses have been examined.

4. As per the charge sheet many number of witnesses has been cited by the Investigating Officer. During trial, if the facts of each witness are expected to dispose had been proved, there are sufficient number of witnesses. For example eye witnesses account can be corroborated with the one or two witnesses and not more than that. Observation mahazhar can be proved through single witness, but there will be three or four observation mahazhar witnesses in the list of witnesses. Similarly for seizure there will be three or four witnesses. These list of witnesses can be confined or curtailed by the Assistant Public Prosecutor. The learned Judicial Magistrate No.II, Madurai is directed to prevail upon the Assistant Public Prosecutor if sufficient number of independent witnesses have been examined and thereby bring down the number of witnesses instead of waiting for production of witness by the Investigation Officer. The learned Judicial Magistrate No.II, Madurai can discuss with the present Investigating Officer or the Station House Officer of the Police Station concerned station regarding the availability of witness to curtail the witness and proceed with the official witness to the next stage of trial.

3. In view of the same, the learned Judicial Magistrate No.II, Madurai is directed to dispose of the case in C.C.No.410 of 2019 within the extended period of two months.

Sd/-

Assistant Registrar ()

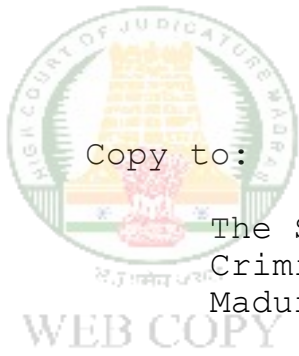
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/09/2022

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.II, Madurai.
2. through The Chief Judicial Magistrate, Madurai.



Copy to:

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

ORDER DATED : 19/09/2022

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ORDER

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CRL OP(MD) . No.1958 of 2022

Giving direction and etc.
as stated within.

SS/23/09/2022/ 3P 5C