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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P. (MD)No.1022 of 2011

and

M.P. (MD) Nos.2 & 3 of 2011

1.Rengasamy

Retired Police Inspector,
No.12, Valliammai Nagar,
Selvapuram,
Coimbatore - 26.

2.Veera Devar,

Head Constable No.695,
Dindigul Town North Police Station,
Dindigul District.

3.C.Chinna Devar

Head Constable No.749,
Idayakottai Police Station,
Dindigul District.

... Petitioners/ Accused 1 to 3

Vs.

V.Ramasamy

S/o.Velayudham,
Revenue Divisional Officer,
Dindigul District.

... Respondent/ Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the complaint in P.R.C.No.2 of 2010 on the file of the Chief Judicial Magistrate, Dindigul.

For Petitioners 1 & 2: Mr.M.Ajmalkhan
Senior Counsel,
assisted by Mr.J.Sulthan Basha
for M/s.Ajmal Associates



For 3rd Petitioner : Mr.A.P.Muthupandian

For Respondent : Mr.Veerakathiravan,
Additional Advocate General
assisted by Mr.A.Kannan,
Additional Government Pleader

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ORDER

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure, seeking to quash the private complaint in P.R.C.No.2 of 2010 pending on the file of the Judicial Magistrate Court, Athoor, Dindigul District.

2. The occurrence is of the year 2001. Though the Government sanctioned prosecution in the year 2006, the actual prosecution was launched only in the year 2010. The above case was transferred to various Courts and now, it is finally pending before the Judicial Magistrate Court, Athoor. Sadly, despite 21 years having passed by, from the date of occurrence, not even a committal has been made.

3. We do not find any ground for quashing the complaint as such. We, therefore, direct the learned Judicial Magistrate, Athoor, to ensure that the case is committed to the Sessions Court within a period of two months from today. Upon committal, the Sessions Court is required to dispose of the case within a period of six months therefrom. It is made clear that both the Courts must ensure that the time line fixed above should be followed scrupulously. The Courts shall ensure the presence of the complainant and the accused persons as well as the witnesses by taking coercive steps, if necessary. The Police are required to co-operate with the Courts in disposing of the case within the time line fixed above. The Superintendent of Police, Dindigul District, is directed to monitor the progress of the trial and it is made clear that the Superintendent of Police, will be held responsible for any delay that occurs due to the non co-operation of the Police in production of the witnesses.

4. With the above directions, this Criminal Original Petition is disposed of. Liberty is granted to the petitioners to approach this Court, in case, the time lines are breached. It is needless to say that the accused will also co-operate for the disposal of the case and to cross-examine the witnesses on the same day of chief examination. The Sessions Court shall ensure that the



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case is tried on day-to-day basis. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

Rm

TO:

- 1.The Judicial Magistrate Court, Athoor, Dindigul District.
2. The sessions Judge, Dindigul District.
- 3.The Chief Judicial Magistrate, Dindigul.
4. The Superintendent of Police, Dindigul.
- 5.V.Ramasamy
S/o.Velayudham,
Revenue Divisional Officer,
Dindigul District.
- 6.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.P. MUTHU PANDIAN, Advocate (SR-18275[F] dated 12/04/2022)

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RD(22.04.2022) 3P 8C