



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1627 of 2022

K.Dinesh

... Petitioner/Accused NO.1

Vs.

The State Rep. by
The Inspector of Police,
SS Colony Police Station,
Madurai.

(Crime No.366 of 2018)

... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate No.V, Madurai to complete the committal proceedings in P.R.C.No.304 of 2019 as expeditiously as possible and further direct the committed Court to dispose of the trial as expeditiously as possible within the time frame as fixed by this Court.

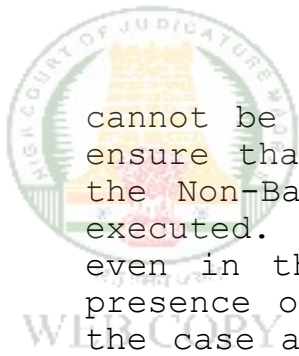
For Petitioner	:	Mr.R.L.Dhilipan Pandian
For Respondent	:	Mr.M.Sakthi Kumar, Govt. Advocate (Crl. Side)

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondent.

2.The petitioner is figuring as Accused No.1 in P.R.C No.304 of 2019 on the file of the learned Judicial Magistrate No.V, Madurai. There were totally 8 accused in this case. Out of them, two have passed away. The petitioner states that he has no association or control over the other accused.

3.It appears that the other accused are not appearing. Only if all the accused appear, the case can be committed to the Sessions Court for trial. At the same time, if the case is split up, the prosecution will have to conduct the trial twice. Therefore, at the instance of an accused, I am not in a position to direct the speedy conclusion of the committal proceedings. If all the accused appear, the Court below can take up and conclude the committal proceedings on the same day. However, the grievance expressed by the petitioner



cannot be ignored. Therefore, the second respondent is directed to ensure that all the accused appear before the Committal Court. If the Non-Bailable Warrants have been issued, they will have to be executed. Let the petitioner wait for more than six months and if even in the meanwhile, the respondent is not able to secure the presence of the remaining accused, the Committal Court shall split the case as far as the petitioner is concerned and commit the case as far as the petitioner alone to the Sessions Court for trial.

4. With this direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CrI.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

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 No.V,
Madurai.
- 2.The Inspector of Police,
SS Colony Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-3181[F] dated 31/01/2022)

CrI.O.P(MD)No.1627 of 2022
31.01.2022

SB(CO)
GC(11.02.2022) 2P 5C