



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Original Jurisdiction)

Wednesday, the Twenty Sixth day of February Two Thousand and Twenty

WEB COPY

PRESENT

The Hon'ble Mr. Justice A.D. JAGADISH CHANDIRA

CRL OP(MD). No.2867 of 2020

Amutha

... Petitioner/Defacto Complainant

Vs

State rep.by

The Inspector of Police,

Thalamuthunagar Police Station, Thoothukudi District.

(In Crime No.620/2015).

...Respondent/Complainant

Prayer :-

Criminal Original Petition filed under section 482 of Criminal Procedure Code, praying this Court to direct the Judicial Magistrate No.II, Thoothukudi to commit P.R.C.No. 45/2016 to the Principal District and Sessions Judge, Thoothukudi and to expedite the trial and to complete the trial within the time stipulated this Court.

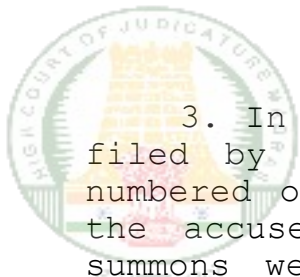
ORDER:-

Criminal Original Petition coming up for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S.Muniyandi, Advocate for the Petitioner and of Mr. S.Chandrasekar, Additional Public Prosecutor on behalf of the Respondent, this Court made the following order:

The learned counsel appearing for the petitioner would submit that the petition has been filed seeking direction to the learned Judicial Magistrate No.II, Thoothukudi to commit the PRC No. 45 of 2016 to the learned Principal District and Sessions Judge, Thoothukudi and expedite the trial and complete the trial within a stipulated time that may be fixed by this Court.

2. It is the case of the petitioner/defacto complainant that the final report has been filed during the year 2016 and the case is still pending for committal in PRC No. 45 of 2016 before the learned Judicial Magistrate No.II, Thoothukudi for the past Three years. On the earlier occasion, this Court has directed the Registrar to call for the report from the learned Judicial Magistrate No.II, Thoothukudi regarding the reason for delay and

<https://hcservices.courts.gov.in/hcservices> received the report from the trial Court.



3. In the report, it had been stated that the final report was filed by the respondent police on 14.11.2016 and the same was numbered on 14.11.2016 and posted to 10.01.2017 for appearance of the accused. It had been further stated that though, several summons were issued to the Inspector of Police, Thalamuthunagar Police Station on 06.01.2017, 11.08.2017, 07.11.2019 and 19.02.2020, the Inspector of Police had not taken any steps to produce the accused on summons.

4. It is a case of a single accused. For the past three years no steps have been taken by the respondent police to serve summons on the accused. This Court is appalled with the manner the matter is being dealt by the police. Due to the non service of summons on the accused the matter is pending committal for three years unnecessary delays cause frustration to victim. It has been brought to the notice of this Court that several Sessions cases are pending at the stage of committal for several seven years due to non service of summons on the accused. The learned Principal District Judge, Thoothukudi is directed to prepare the list of cases pending committal beyond six months of the P.R.C being numbered and taken on file in all Judicial Magistrate Courts in Thoothukudi Town alone and report it to this Court ***within a period of Four Weeks***, from the date of receipt of a copy of the order. He shall also direct the Superintendent of Police, Thoothukudi District to ensure that the summons are served through the respective police stations at the earliest.

5. Registry is directed to mark the copy of the order to the Superintendent of Police, Thoothukudi and to the Principal District Judge, Thoothukudi.

6. Post the matter **after Four Weeks for reporting compliance.**

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1. The Inspector of Police,
Thalamuthunagar Police Station, Thoothukudi District.
2. The Superintendent of Police,
Thoothukudi District.
3. The Principal District Judge,
Thoothukudi.



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

Copy to:

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai
(Post after Four weeks for Reporting compliance)

ORDER DATED : 26/02/2020

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ORDER

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Giving direction and etc.
as stated within.

KK/09.03.2020/ 3P- 6C