



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V. SIVAGNANAM**

Crl.O.P.(MD) No.10686 of 2022

Umadurai,

: Petitioner/Defacto Complainant

Vs

The Inspector of Police,
Sipcot Police Station,
Sivagangai,
Sivagangai District.

: Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the learned Judicial Magistrate, Manamadurai to complete the committal proceedings in P.R.C.No. 35/2022 on his file as expeditiously as possible and consequently direct the learned District and Sessions Judge, Sivagangai to complete the trial within the time stipulated by this Court.

For Petitioner : M/s. Jeganathan. C,

For Respondent : Mr.R.Suresh Kumar,

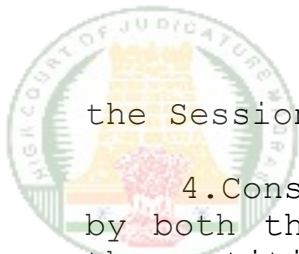
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the learned Judicial Magistrate, Manamadurai to complete the committal proceedings in P.R.C.No. 35/2022, as expeditiously as possible and consequently direct the learned District and Sessions Judge, Sivagangai to complete the trial.

2.The learned Counsel appearing for the petitioner submitted that on 26.05.2019, the petitioner's son was assaulted and murdered by the accused persons 1 to 8. Initially, the respondent police registered an FIR in Crime No.71 of 2019, for the offence under Section 302 of IPC. After investigation, final report has been filed before the learned Munsif Court-cum-Judicial Magistrate, Manamadurai. It was taken on file in P.R.C.No. 15 of 2019, for the offences under Sections 302, 147, 148, 120(B), 341, 109, 140 and 149 of IPC. Thereafter, on bifurcation of the Court, the case has been transferred to the file of the learned Judicial Magistrate, Manamadurai and re-numbered as P.R.C.No.35 of 2022 and then, it was kept pending for a long period without committal to the Sessions Court. Hence, this petition has been filed for speedy committal and disposal of the case.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that a warrant is pending against the seventh accused person/Velmurugan and A5/Bala @ Balaji died. Since the seventh accused person has absconded, non-bailable warrant has been issued and as on date, the case against him was not split up. Therefore, the case is pending for committal from the trial Court to



the Sessions Court.

4.Considering the matter in the light of the submissions made by both the Counsels and on a perusal of records, it reveals that the petitioner's son was assaulted and murdered by the accused persons 1 to 8. The respondent police registered an FIR in Crime No.71 of 2019. After investigation, final report has been filed and the same was transferred from the file of the learned Munsif Court cum Judicial Magistrate, Manamadurai, to the file of the learned Judicial Magistrate, Manamadurai and re-numbered as P.R.C.No.35 of 2022, on account of bifurcation. But, it is pending for a long period.

5.In view of the above, the learned Judicial Magistrate, Manamadurai, is directed to split up the case of the absconding accused and commit the case to the Sessions Court for trial, within a period of two weeks, from the date of receipt of a copy of this order.

6.With the above directions, this criminal original petition stands disposed of.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate,
Manamadurai.

2.The District & Sessions Judge, Sivagangai.

3.The Inspector of Police,
Sipcot Police Station,
Sivagangai,
Sivagangai District.

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

Crl.O.P. (MD) No.10686 of 2022
16.06.2022

NSN(CO)
KB(01.07.2022) 2P 5C

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