



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR
Crl.O.P.(MD)No.11028 of 2019

C.Davi

... Petitioner/Complainant

vs.

1.Amaladoss

2.Vilson

3.Johnson

4.Chelladurai

Head Constable,
Kollancode Police Station,
Kollancode Post,
Kanyakumari District.

5.Murugan

Sub-Inspector,
Kollancode Police Station,
Kollancode Post,
Kanyakumari District.

... Respondents/Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to issue a direction directing the learned Judicial Magistrate Court No.II, Kuzhithurai to expedite the trial in C.C.No.2 of 2018 within the time frame as fixed by this Court.

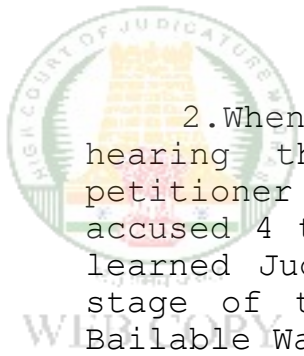
For Petitioner : Mr.A.Anandaraj

For Respondents : Mr.A.Kalidass for R1 to R3

Mr.R.Meenakshi Sundaram for R4 & R5
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to the learned Judicial Magistrate No.II, Kuzhithurai to expedite the trial in C.C.No.2 of 2018 and dispose of the same within a time as fixed by this Court.



2. When the matter was taken up for hearing on 07.12.2021, on hearing the submission made by the learned counsel for the petitioner that Non-Bailable Warrant was pending against the accused 4 to 8, directed the Registry to call for a report from the learned Judicial Magistrate No.II, Kuzhithurai with respect to the stage of the case in C.C.No.2 of 2018 and the pendency of Non-Bailable Warrant against the accused.

3. In pursuance of the said order, the learned Judicial Magistrate No.II, Kuzhithurai has submitted a report on 27.12.2021 stating that the personal appearance of the accused 1 to 3 have been dispensed by this Court, that Non-Bailable Warrant pending against the accused 4 & 5 was recalled on 14.12.2021 and that there is no Non-Bailable Warrant against any of the accused and the case stands posted for examination of complainant side evidence.

4. The learned counsel for the petitioner would submit that the petitioner is physically challenged person and he is not in a position to appear before the Court for every hearing of the case and that since the case is pending from 2018, the learned Judicial Magistrate may be directed to dispose of the case within a time period fixed by this Court.

5. Admittedly, the petitioner has lodged a private complaint and on that basis, the case was taken on file in C.C.No.2 of 2018 for the alleged offences under Sections 147, 294(b), 324, 506(ii) and 307 IPC as against the respondents 1 to 3 and under Sections 166, 506(ii), 217 IPC and Section 12 of Human Rights Act as against the respondents 4 and 5.

6. Considering the above facts and circumstances and also the facts that the case is pending from 2018 and that the petitioner is a physically challenged person, the learned Judicial Magistrate No.II, Kuzhithurai is directed to dispose of the case in C.C.No.2 of 2018 within a period of six (6) months from the date of receipt of a copy of this order.

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

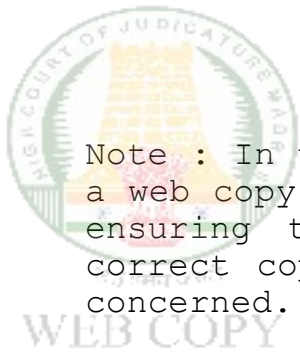
Sd/-

Assistant Registrar (P&A)

// True Copy //

21/01/2022

Sub Assistant Registrar(CS-I)



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

The Judicial Magistrate Court No.II,
Kuzhithurai.

Coyp to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) No.11028 of 2019
07.01.2022

RK(21/01/2021) 3P 3C