



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2022

CORAM

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**CRL.R.C. (MD) .No.901 of 2019**

Kaja Ahamed

: Petitioner

Vs.

1.The Inspector of Police,  
CCB, Trichy.  
(Crime No.6 of 2010)

2.Kalilur Rahman  
3.Mohammed Hanifa  
4.Solaimuthu  
5.Mathina Begum  
6.Arokiyarnary

: Respondents

**PRAYER:** Criminal Revision Case has been filed under Sections 397 r/w 401 of Cr.P.C, to call for the records of the trial Court in Cr.M.P.No.3560 of 2018, dated 15.10.2018 on the file of the learned Judicial Magistrate Court No.IV, Tiruchirappalli and set aside the same and consequently, permit the petitioner to engage a lawyer, S.Balamurugan to conduct the case along with the Additional Public Prosecutor.

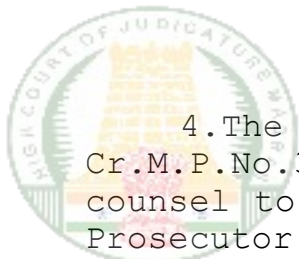
For Petitioner : Mr.R.Venkatesan  
For Respondents : Mr.M.Vaikkam Karunanithi  
Government Advocate (Crl. side) (for R1)  
No Appearance (for R2 to R6)

**ORDER**

The Criminal Revision Case is filed against the order passed in Cr.M.P.No.3560 of 2018 in C.C.No.82 of 2015, dated 15.10.2018 on the file of the learned Judicial Magistrate Court No.IV, Tiruchirappalli in dismissing the petition filed by the de-facto complainant seeking permission to engage a private counsel on his side to conduct the prosecution.

2.The respondent police has laid the final report for the offence under Sections 465, 466, 468 and 471 of IPC and that the case was taken on file in C.C.No.82 of 2015 and the same is pending on the file of the learned Judicial Magistrate No.IV, Tiruchirappalli.

3.It is also not in dispute that P.W.1 was partly chief examined on 24.04.2018 and that the case was posted on 02.05.2018 for continuation of chief examination of P.W.1.



4.The de-facto complainant has filed the above petition in Cr.M.P.No.3560 of 2018 seeking permission for engaging a private counsel to conduct the case on the ground that the Assistant Public Prosecutor did not examine him for the past six hearings without any valuable reasons. The respondent police has raised their objections that the first witness cited in the final report has already been examined as P.W.1 and that the same is pending for examination of further witnesses.

5.The learned Judicial Magistrate No.IV, Tiruchirappalli, considering the submissions made by the learned counsel for the petitioner as well as the learned Assistant Public Prosecutor, by observing that the case is pending for examination of the witnesses and there is no reason found to believe that the Assistant Public Prosecutor has not conducted the case properly, dismissed the above petition.

6.When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the learned Judicial Magistrate may be directed to dispose of the case within the time stipulated by this Court. The learned Government Advocate (Crl. side) would submit that since the case is pending from 2015 onwards, necessary direction may be issued for early disposal of the case.

7.Considering the above facts and circumstances and also the fact that the case is pending from 2015 and also taking note of the limited prayer now sought for by the petitioner, without expressing any view with regard to the merits of the case, the learned Judicial Magistrate No.IV, Tiruchirappalli is directed to complete the trial and dispose of the case within a period of four months from the date of receipt of a copy of this order.

8.With the above direction, the Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sji

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Judicial Magistrate Court No.IV, Tiruchirappalli.

2.The Inspector of Police,  
CCB, Trichy.

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

4.The Section Officer,  
Criminal Section, (Records)  
Madurai Bench of Madras High Court,  
Madurai. (2 copies)

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SS/25.03.2022 : 3P/6C