



WEB COPY



CRL.O.P (MD) No.11941 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11941 of 2022

S.Narayanan

...Petitioner /Defacto Complainant

Vs.

The State Rep by
The Inspector of Police,
Thalaythu Police Station,
Tirunelveli.

...Respondents/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to issue a direction to expedite the trial of the criminal case in S.C.No.26 of 2022 on the file of the III Additional Sessions Judge, Tirunelveli.

For Petitioner : Mr.K.P.Krishnadoss

For Respondent : Mr.R.Sureshkumar
Government Advocate (Crl.side)

ORDER

This petition has been filed to direct the respondent to expedite the trial in S.C.No.26 of 2022 on the file of the learned III Additional Sessions Judge, Tirunelveli.



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2.The learned counsel appearing for the petitioner submitted that the petitioner is the defacto complainant in Crime No.227 of 2021 on the file of the Thalaisythu Police Station for murdering of his son namely Kannan. The case is pending without conducting trial and the accused also threatening the witnesses. Hence, he filed this petition to expedite the trial.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that in this case, A13, A15 and A18 appeared before the trial Court and A2, A5, A7 and A9 are produced through video conference from Vellore prison and A3, A1, A4 and A6 are produced through video conference from Cuddalore prison and A6 and A8 are produced through video conference from Salem prison. Now the case is pending for securing A10 and Non Bailable Warrant is pending against him.

4.I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent police.

5.A perusal of records would reveal the fact that the petitioner is the defacto complainant in Crime No.227 of 2021 on the file of the Thalaisythu Police Station. The complaint was given for murdering of his son Kannan.



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After investigation, the respondent police has filed a charge sheet against eighteen accused. The case was committed to Judicial Magistrate No.III, Tirunelveli and taken on file in S.C.No.26 of 2022. After taking cognizance, the case is made over to the file of the learned Additional District Judge, Tirunelveli for disposal. The case is posted on 25.02.2022 for appearance of the accused. Since one of the accused A10 did not appear and for want of his appearance so far, charge is not framed. The case is pending without framing charge for want of securing A10.

6.Considering the facts and circumstances of the case, the learned III Additional Sessions Judge, Tirunelveli, is hereby directed to split up the case against the accused No.10 and to proceed further against the remaining appeared accused and to conduct the trial and to dispose the case within a period of six months from the date of receipt of a copy of this order.

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

05.07.2022

Index : Yes / No
Internet : Yes/ No
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To

- 1.The III Additional Sessions Judge,
Tirunelveli.
- 2.The Inspector of Police,
Thalaythu Police Station,
Tirunelveli.
- 3.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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