



Crl.O.P.(MD) No.14055 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14055 of 2022

Gobi

...Petitioner/Defacto Complainant

Vs.

1.The State Rep. by

The Assistant Commissioner of Police,
Palayamkottai Police Station,
Tirunelveli District.

...1st Respondent /Investigation Officer

2.The Inspector of Police,

Palayamkottai,
Tirunelveli City,
Tirunelveli.

(Crime No.825 of 2017)

...2nd Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the Judicial Magistrate Court No.1, Tirunelveli to proceed the case expeditiously and complete the committal proceedings in PRC.No.56 of 2020 as expeditiously within a time frame fixed by this Court.

For petitioner : Mr.Henri Tiphagne



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ORDER

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2.The learned counsel appearing for the petitioner submitted that the petitioner is the defacto complaint in Crime No.825 of 2017 on the file of the second respondent police. The second respondent police registered a case in Crime No.825 of 2017, dated 23.10.2017 for the offences under Sections 306 and 511 of IPC and Section 4 and 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.825 of 2017, dated 23.10.2017. After registering the case, the first respondent had conducted investigation and closed the said complaint as "Action Dropped" and the report has filed before the learned Judicial Magistrate Court No.1, Tirunelveli on 12.02.2018. After receipt of report, the petitioner has filed a protest petition in Crl.M.P.No. 665 of 2019 before the learned Judicial Magistrate No.1, Tirunelveli praying for further investigation by competent honest police officials. The learned Judicial Magistrate passed an order, wherein report of 'mistake of fact' filed by



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the first respondent was not accepted by the learned Magistrate and further the case was taken on file for committal proceedings. He further submitted that the case was taken on file by the learned Judicial Magistrate No.1, Tirunelveli in PRC.No.56 of 2020 on 24.07.2020. Thereafter, the case was not committed to Sessions Court for trial. Now, the case is pending without any acceptable reasons. Hence, the petitioner/defacto complainant has filed this petition to direct the learned Judicial Magistrate No.1, Tirunelveli to commit the case for speedy trial.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the case is posted for the appearance of the accused on 05.08.2022.

4.A perusal of records shows that on 31.03.2021, the 4th accused appeared before the trial Court. Earlier, the accused Nos.1 to 3 were appeared. Thereafter, from 31.03.2021, continuously the accused persons one after one absent and further the case was not committed. It is observed that from 31.03.2021 as on date PRC was not committed to the Sessions Court for the non-appearance of the accused persons before the trial Court regularly.



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5. In view of the above, if the accused persons are not co-operated for committing the case before the Sessions Court, the learned Judicial Magistrate No.1, Tirunelveli is directed to cancel the bail and remand all the accused persons and commit the case to the Sessions Court within a period of two weeks from the date of receipt of a copy of this order.

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

04.08.2022

Internet: Yes

Index: Yes/No

vsd

To

1. The Judicial Magistrate Court No.1,
Tirunelveli.

2. The Assistant Commissioner of Police,
Palayamkottai Police Station,
Tirunelveli District.

3. The Inspector of Police,
Palayamkottai,
Tirunelveli City, Tirunelveli.

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

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V.SIVAGNANAM, J.

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Crl.O.P.(MD) No.14092 of 2022

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