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Crl.O.P.(MD) No.19476of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.19476 of 2022

S.Muthupandian

...Petitioner

VS

**The Inspector of Police
Karivalamvandanallur Police Station,
Sankarankovil Taluk
Tenkasi District**

...Respondent

**PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the learned Judicial Magistrate, Sankarankovil to conduct
speedy trial of C.C. No.181 of 2021on his file**

For Petitioner	: Mr.S.Radhakrishnan
For Respondent	: Mr.R.Suresh Kumar
	Government Advocate(Crl.Side)

ORDER

**This Criminal Original Petition had been filed to direct the learned
Judicial Magistrate, Sankarankovil to dispose of the case in C.C. No.181 of
2021.**

1/6



Crl.O.P.(MD) No.19476of 2022

2. When the case is taken up for hearing on 09.11.2022, the learned Government Advocate (Crl.Side) submitted that there are totally 10 accused in this case. A6 and A8 are in abroad. A1 and A9 died. Other accused are appearing before the Court. Therefore, this Court had sought for remarks from the learned Judicial Magistrate, Sankarankovil, regarding number of cases pending and whether he is able to take up the case and dispose of the case which is filed in the year 2021.

3. As per the remarks offered by the learned Judicial Magistrate, Sankarankovil, there are totally 4093 cases pending, out of which, 1535 are ripe for trial. Non Bailable Warrant is pending in 223 cases. For appearance of accused, 1258 cases are pending and summons were not served in 1077 cases. In the light of the above, the learned Judicial Magistrate, Sankarankovil, is directed to take up the case in C.C. No.181 of 2021, if all the accused except A1 and A9 are appearing.

4. The learned Counsel appearing for the defacto Complainant would submit that all the accused are regularly visiting abroad and till now, they have not obtained bail from the Court concerned.



Crl.O.P.(MD) No.19476of 2022

WEB COPY

5. The learned Judicial Magistrate, Sankarankovil, is directed to verify the records and find out whether the accused persons had already executed bail bonds before the learned Judicial Magistrate. If not, he is having discretionary power to direct them to furnish sureties and execute bond as per the the Code of Criminal Procedure. It is left to the discretion of the learned Judicial Magistrate to issue summons to the accused A6 to A9 and if they are not co-operating, he is well within his powers to issue Look Out Notice through the Office of the Superintendent of Police, Tenkasi District through the Indian Missionary abroad. If A6 to A8 appear before the Court, the learned Judicial Magistrate, Sankarankovil, is directed to proceed with the trial after hearing the learned Assistant Public Prosecutor. After hearing him, the learned Judicial Magistrate shall frame charges and fix the date for trial. On the date fixed for trial, the Station House Officer, Karivalamvanthanallur Police Station, is directed to produce the witnesses promptly. Independent witnesses can be examined in 1 to 3 days as per the time table fixed by the learned Magistrate. The learned Judicial Magistrate, Sankarankovil, in consultation with the learned Assistant Public Prosecutor



Crl.O.P.(MD) No.19476of 2022

of the Court, after fixing trial, if any of the accused absconds, he shall issue Non Bailable Warrant and if they are produced on warrant, he shall detain them in prison and cancel the bail bonds as per the reported ruling of the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***. If the trial proceeds and witnesses are examined by the prosecution, the learned Magistrate shall not defer cross-examination or adjourn cross-examination at the request of either the accused or the learned Counsel appearing for the accused. He shall stick to the reported ruling of the Hon'ble Supreme Court in ***Vinod Kumar vs. State of Punjab [2015(1) MLJ (crl) 288]*** and cross-examine the witnesses then and there when they are examined in chief. It is left to the discretion of the learned Judicial Magistrate, Sankarankovil, to dispose of the case as early as possible on year war priority.

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

7. Registry is directed to place this matter before the Honourable Administrative Committee and appropriate orders will be taken to look into



Crl.O.P.(MD) No.19476of 2022

the case of the learned Judicial Magistrate, Sankarankovil, to be discussed
in the Honourable Administrative Committee.

21.11.2022

Internet: Yes./No

Index: Yes/no

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To

1. The Judicial Magistrate, Sankarankovil

2. The Inspector of Police
Karivalamvandanallur Police Station,
Sankarankovil Taluk, Tenkasi District

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

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



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Crl.O.P.(MD) No.19476of 2022

SATHI KUMAR SUKUMARA KURUP, J.

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CRL.O.P (MD) No.19476 of 2022

21.11.2022