



Crl.O.P.(MD) No.20263 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P (MD) No.20263 of 2022

Jebin T Jacob @ Jebin

...Petitioner

VS

The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
In Crime No.181 of 2022

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Judicial Magistrate, Eraniel to expedite and complete the trial in C.C.No.234 of 2022 pending on the file of the Learned Judicial Magistrate, Eraniel, Kanyakumari District and dispose of the case within a time frame that may be fixed by this Court.

For Petitioner : Mr.T.Wins

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



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ORDER

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This Criminal Original Petition had been filed to direct the learned Judicial Magistrate, Eraniel to expedite and complete the trial in C.C.No. 234 of 2022 within a time frame that may be fixed by this Court.

2.It is the submission of the learned Counsel for the Petitioner that the Petitioner is the first accused.

2.The learned Government Advocate (Crl.side) for the Respondent would submit that there are two accused. The offences are under Sections 294(b), 323 and 506(i) IPC. The case in C.C.No.234 of 2022 is posted for trial on 19.01.2023.

3.The learned Judicial Magistrate, Eraniel is directed to proceed with the trial on day-to-day basis. He shall follow the guidelines issued in the reported ruling of the Hon'ble Supreme Court in the case of ***Vinod Kumar Vs. State of Punjab*** reported in ***CDJ 2015 SC 115*** regarding cross-examination of the witnesses and regarding the conduct of the accused or



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their Counsels in recalling the witnesses at their whims and fancies under Section 311 Cr.P.C. The Petitioner is directed to surrender before the learned Judicial Magistrate, Eraniel and co-operate with the pending trial. If the accused does not co-operate with the Trial Court, the learned Judicial Magistrate, Eraniel shall follow the guidelines issued in the reported ruling of the Hon'ble Supreme Court in the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***(2005) AIR SCW 5560***, thereby cancelling the bail already granted to the accused and detaining them in prison, till the case is disposed of.

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

Internet: Yes/No
Index: Yes/No
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25.11.2022

To

1. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

SATHI KUMAR SUKUMARA KURUP, J.

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

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