



Crl.O.P.(MD) No.21267 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.12.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.21267 of 2022

N.Rajamarthandan

...Petitioner

VS

1. The Inspector of Police
S.S.Kottai Police Station,
Sivagangai District.

2. Ramamoorthy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned District Munsif cum Judicial Magistrate, Singampunari to expedite the trial in C.C.No.326 of 2019 within a stipulated time.

For Petitioner : Mr.R.Senthil Kumar
For R1 :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 District Munsif cum Judicial Magistrate, Singampunari to expedite the trial in C.C.No.326 of 2019 within a stipulated time.

2. The learned Counsel for the Petitioner would submit that the Petitioner was serving as a police personnel and he is facing criminal prosecution in C.C. No.326 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Singampunari. He is facing this criminal case at the verge of retirement when he was likely to be promoted as Special Sub Inspector of Police from the post of Head Constable. Due to pending case he is unable to get his promotion. Therefore he had approached this Court seeking early disposal of the case in C.C. No.326 of 2019. It is the further submission of the learned Counsel for the Petitioner that LW.1 did not appear before the Court therefore Witness Warrant was issued and the same is pending till date. He had also enclosed the copy of the status of the proceedings of the learned District Munsif cum Judicial Magistrate, Singampunari from the website of the Court.



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3. The accused was charged for the offences under Sections 147,294(b),323,324 and 506(ii) of IPC. The case is of the year 2018. Originally the CC is of the year 2018. Subsequently it was transferred to the file of the learned District Munsif cum Judicial Magistrate, Singampunari and re-numbered as C.C. No.326 of 2019. Till date Witness Warrant is pending and it is not executed.

4. In the light of the submission made by the learned Counsel for the Petitioner the learned District Munsif cum Judicial Magistrate, Singampunari shall pass appropriate orders regarding the absence of L.W.1 on the basis of the report from the Station House Officer concerned. The prosecution is at liberty to examine the witnesses who are available before the Court instead of waiting for examination of witnesses. The learned District Munsif cum Judicial Magistrate, Singampunari is directed to dispose the case within a reasonable period of one month from the date of receipt of a copy of this order. He shall also direct the learned Assistant Public Prosecutor to dispense with some of the witnesses who are not required if the witnesses are supporting the prosecution. Many number of witnesses need not be examined. The prosecution has right to curtail



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witnesses but cannot curtail official witnesses. The Station House Officer is directed to execute the Witness Warrant within 15 days or obtain appropriate certificate from the Village Administrative Officer concerned and produce before the Court.

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

01.12.2022

Internet: Yes./No

Index: Yes/no

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To

1. The District Munsif cum Judicial Magistrate, Singampunari.
2. The Inspector of Police
S.S.Kottai Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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