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Crl.O.P.No.5924 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5924 of 2023

Sujatha

...Petitioner

Vs.

The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam,
Ranipet District.
Pin code – 631001.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Judicial Magistrate at Arakkonam, Ranipet District to dispose of the case in C.C.No.31 of 2017 within a stipulated time as fixed by this Court.

For Petitioner : Mr.Pari Gopal

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition is filed to direct the Judicial Magistrate at Arakkonam, Ranipet District to dispose of the case in C.C.No.31 of 2017 within a stipulated time as fixed by this Court.



Crl.O.P.No.5924 of 2023

WEB COP 2

2. Learned counsel for the petitioner submitted that petitioner is the defacto complainant in C.C.No.31 of 2017. This case was registered for the offences under Sections 294(b), 323, 324, 355 of IPC and 4 of POCSO Act. Out of the total witnesses, only two witnesses have been examined so far.

3. It is also submitted by the learned counsel for the petitioner that, there are two accused in this case. A2 was dead and A1 is not regularly appearing before the Court and repeatedly filing 317 Cr.P.C petitions, which is the reason for the delay in disposing the case. Therefore, petitioner filed this petition to direct the learned Judicial Magistrate at Arakkonam, Ranipet District to dispose the case in C.C.No.31 of 2017 within a stipulated time as fixed by this Court.

4. Learned Government Advocate (Criminal side) submitted that appropriate steps would be taken for production of witnesses and for completion of trial.

5. Considered the submissions and perused the records.



Crl.O.P.No.5924 of 2023

WEB COPY

6. This Court finds from the adjournment orders that, repeated petitions under Section 317 Cr.P.C were filed by the accused and the same were allowed and repeated summons have been issued to the witnesses. But no witness seems to have been appeared. It shows that learned Magistrate without applying his mind, ordered repeated issuance of summons, without taking note of the fact that whether the summons are served or not. There is no entry in the adjudication orders, whether the summons are served or not. Without recording anything about service or non-service of summons, issuance of fresh summons to witnesses is inappropriate and should be avoided.

7. Therefore, the learned Judicial Magistrate at Arakkonam, Ranipet is directed to take effective steps to summon the witnesses and complete the trial as expeditiously as possible, preferably within a period of three months from the date of a receipt of a copy of this Order.



Crl.O.P.No.5924 of 2023

G.CHANDRASEKHARAN, J.
gd

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8. With the above directions, this Criminal Original Petition is allowed.

15.03.2023

Internet :Yes

Index :Yes/No

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To:

- 1.The Judicial Magistrate,
Arakkonam,
Ranipet District.
- 2.The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam,
Ranipet District.
Pin code – 631001.
- 3.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.5924 of 2023