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Crl.O.P.No.6705 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6705 of 2023

Sakkarapani

...

Petitioner

/vs/

The State represented by
The Inspector of Police,
Viruthachalam Police Station,
Cuddalore District.

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate Court No.1, Viruthachalam to dispose of the case in C.C.No.197 of 2016 within the time frame fixed by this Court.

For Petitioner

...

Mr.P.Muthamizhselvakumar

For Respondent

...

Mr.S.Santhosh

Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate Court No.1, Viruthachalam to dispose of the case in C.C.No.197 of 2016 within the time frame fixed by this Court.



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2. It is the submission of learned counsel for the petitioner that, petitioner is the 8th accused in C.C.No.197 of 2016 pending on the file of the learned Judicial Magistrate No.1, Viruthachalam. Though this case is pending from 2016, despite framing of charges on 23.11.2017, there is no progress till now. The case is still pending for examination of witnesses from 30.01.2019. Repeated summons have been issued to the witnesses, without any effective service of summons. Therefore, this petition is filed to direct the learned Judicial Magistrate Court No.1, Viruthachalam to dispose of the case in C.C.No.197 of 2016 within the time frame fixed by this Court.

3. Learned Government Advocate (Criminal side) submitted that, witnesses would be produced during the next hearing.

4. Considered the submissions and perused the records.

5. It is seen from the copy of the Case Status filed that, charges have been framed in this case on 23.11.2017. From 30.01.2018 to 19.04.2023,



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the case was adjourned for “Issues”. This Court does not understand, where is the question of posting the case for “Issues” in a criminal case.

Probably “Issue of summons” is wrongly entered as “Issues” in the Case Status Report.

6. Therefore, the learned Judicial Magistrate, Virudhachalam is directed to give suitable instructions to the Staff concerned, to enter the correct status of the case in the Case information system.

7. This Court does not also understand, why repeated summons are issued without indicating whether summons issued to the witnesses were served or not. Repeated issuance of summons, without indicating service or non service of summons is not correct and should be avoided. It also shows that learned Judicial Magistrate has not exercised proper control over the respondent police in ensuring service of summons to the witnesses.



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8. Thus, this Court directs the learned Judicial Magistrate, Virudhachalam to dispose the case as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this Order by posting the case on day to day basis.

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

27.03.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order

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To

- 1.The Judicial Magistrate Court No.1, Viruthachalam
- 2.The Inspector of Police,
Viruthachalam Police Station,
Cuddalore District.
- 3.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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