



CrI.O.P.No.13975 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.O.P.No.13975 of 2023

1. Purusothamman
2. Rajkumar
3. Boththu @ Kathavarayan
4. Chinna @ Kaviyarasu
5. Ammaiyappan
6. Vishwa

... Petitioners

Vs.

The State represented by its
Inspector of Police,
G-7, Chunambedu Police Station,
Chengalpet District.
(Crime No.824 of 2009)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned District Munsif cum Judicial Magistrate Court, Cheyyur to conduct the trial and dispose the case in P.R.C.No.6 of 2020 expeditiously as possible with stipulated period by this Hon'ble Court.

For Petitioners	: Mr.P.Surendran
For Respondent	: Mr.Leonard Arul Joseph Selvam Government Advocate (CrI.Side)



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ORDER

This Criminal Original Petition has been filed directing the District Munsif cum Judicial Magistrate Court, Cheyyur to conduct the trial and dispose the case in P.R.C.No.6 of 2020 expeditiously as possible with stipulated period by this Hon'ble Court.

2. It is submitted by the learned counsel for the petitioners that the petitioners are the accused in P.R.C.No.6 of 2020. They have been charged for the offences under Sections 147, 148, 294(b), 427, 307 and 394 of IPC. FIR in Crime No.824 of 2009 was registered on 02.12.2009. However, the final report was filed with a delay and the case was taken on file in P.R.C.No.6 of 2020 and pending before the District Munsif cum Judicial Magistrate Court, Cheyyur, without any progress. Therefore, this petition is filed for speedy trial of P.R.C.No.6 of 2020.

3. The learned Government Advocate (Crl.Side) seeks time for getting instructions.



4. Rule 33(8) of Criminal Rules of Practice is extracted as follows:-

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33. Committal proceedings:-

(8) In order to avoid harassment to the accused, it should be the endeavour of every Magistrate to dispose of committal proceedings as expeditiously as possible and in any event, within a period not exceeding two months from the date of submission of the charge sheet. Magistrates should report to the Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be, the reasons for not disposing of the committal proceedings within the period of two months. The Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as the case may be, should then satisfy himself as to whether the reasons stated are satisfactory and whether the Magistrate should be allowed extension of time. He should then issue such instructions to the Magistrate as he deems proper.

Therefore, as per Rule 33(8) of Criminal Rules of Practice, the Preliminary Registration Case has to be committed to the Sessions Court, within a period not exceeding two months from the date of submission of the charge sheet.

5. This Court does not understand, why P.R.C.No.6 of 2020 is kept pending on the file of the District Munsif cum Judicial Magistrate Court, Cheyyur without being committing to the Sessions Court. Therefore, the District Munsif cum Judicial Magistrate Court, Cheyyur is directed to take steps for committing P.R.C.No.6 of 2020 to the Session Court, as expeditiously as possible, preferably within a period of one month from the date of receipt of a



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copy of this order.

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

23.06.2023

Index: Yes/No

Speaking/Non speaking order

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To

1. The District Munsif cum Judicial Magistrate Court, Cheyyur.
2. The Inspector of Police,
G-7, Chunambedu Police Station,
Chengalpet District.
3. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN.J.,



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