



WEB COPY

Crl.O.P.No.27697 of 2



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 11.12.2023

CORAM :

**THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN**

**Crl.O.P.No.27697 of 2023**

G.Mahendran

... Petitioner

-VS-

The State,  
Rep. by Inspector of Police,  
District Crime Branch,  
Thiruvallur District.  
Crime No.1 of 2018

...Respondent

**PRAYER :** Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the Judicial Magistrate to dispose the Calendar Case in C.C. No.55 of 2022, on the file of the Judicial Magistrate I, Ponneri within a time frame fixed by this Court.

|                |                                                                   |
|----------------|-------------------------------------------------------------------|
| For Petitioner | : Mr.M.R.Dhalapathy Vignesh Kumar                                 |
| For Respondent | : Mr.Leonard Arul Joseph Selvam<br>Government Advocate (Crl.Side) |

**ORDER**

The case for offence under Sections 420, 506(i), 34, 465, 468, 471 and 120B IPC is pending on the file of the learned Judicial Magistrate I, Ponneri in C.C. No.55 of 2022.

2. This petition is filed for directing the learned Judicial Magistrate to

<https://www.mhc.tn.gov.in/judis>



complete the trial within the reasonable time. Whereas, records indicates that the defacto complainant earlier has approached this Court seeking transfer of trial from the learned Judicial Magistrate No.I, Ponneri, Tiruvallur to some other Court, within the jurisdiction of Chennai District, for the reason that the trial Judge is showing undue haste therefore, he suspect that the trial judge has a vested interest in this case. This Court dismissed that Application, stating just because the trial Court adjourning the case in short interval, it cannot be taken as the learned Judicial Magistrate has vested interest in the case and acting with haste. In the circumstances, the second accused, the petitioner herein is before this Court seeking for early disposal of the case within time frame.

3. The perusal of records indicates that out of three accused, against whom the final report was filed, the 3<sup>rd</sup> accused had preferred FIR quash petition and the same been allowed, the same been is now subject matter of SLP (Crl.) 4469 of 2019. However, there is no stay granted and therefore, the trial Court has proceeded as against these two petitioners. From the daily status report, this Court finds that summons to L.W.1 and L.W.2 issued and posted on 03.01.2024 for appearance of L.W.1 and L.W.2.

4. Considering the above facts, this Court is directing the learned Judicial Magistrate No.I, Ponneri, to proceed with the trial expeditiously, preferably on day to day basis and if the witnesses fail to turn up, necessary coercive steps



may be taken since the daily status indicates that since 26.04.2023, the witnesses despite receipt of the summons have not turned up to depose hence bailable warrant was issued against them on that day.

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

**11.12.2023**

Internet : Yes/No  
Index : Yes/No  
rkp

To

- 1.The Judicial Magistrate No.I,  
Ponneri.
- 2.The Inspector of Police,  
District Crime Branch,  
Thiruvallur District.
- 3.The Public Prosecutor,  
Madras High Court, Madras.



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**Dr.G.JAYACHANDRAN, J.**

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