



CrI.O.P.(MD) No.15125 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2023

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.15125 of 2023

Vincent

... Petitioner

Vs.

1.The Inspector of Police,
Bodinayakanur Town Police Station,
Bodinayakanur, Theni District.
(in Cr.No.221 of 2017)

2.Rani
3.Abdul Pari

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the Judicial Magistrate Court, Bodinayakanur to dispose of C.C.No.488 of 2018 within time frame fixed by this Court in accordance with law.

For Petitioner	:Mr.M.Kaliraj
For R1	:Mr.S.S.Madhavan
	Government Advocate (CrI.side)



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ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking for a direction to the learned Judicial Magistrate, Bodinayakanur, to dispose of C.C.No.488 of 2018 within time frame to be fixed by this Court.

2.According to the learned counsel for the petitioner, on a complaint given by the petitioner, a case has been registered against the accused in Crime No.221 of 2017 for the offences punishable under Sections 452, 420, 465, 468, 471 and 506(2) IPC. It is submitted that even though the charge sheet is filed, the case has not been proceeded with further on account of the absence of the accused No.1.

3.The learned Government Advocate (Crl.side) submits that the respondent police have prepared to produce the witnesses as directed by the learned Magistrate. As seen from the copy of the adjudication proceedings before the trial Court, NBWs were pending for a considerable time against the accused No.1 and subsequently, the accused No.1 was present on 04.12.2021, but thereafter he was absent and many times his personal appearance was dispensed with. Ultimately,



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on the last date of hearing, the accused No.1 was absent and therefore, notice was addressed to the accused No.1, but it has not been served. In case if the accused No.1 is not appearing before the Court or in case if the notices could not be served on him directing him to be present, the trial Court should have issued NBWs against the accused No.1 directing the police to produce him before the Court. But it appears that the trial Court has not taken any coercive steps for getting the presence of the accused No.1.

4.In view of the above, the trial Court is directed to take coercive steps to see that the accused No.1 is present before the Court and on his presence, the trial Court is directed to proceed with the case, if necessary, posting the case on every alternative working days and dispose of the same as expeditiously as possible. In case if the presence of the accused No.1 could not be secured for any reason, the trial Court may consider splitting the case against the accused No.2, who is present and proceed with the trial.



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

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

29.08.2023

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To

- 1.The Judicial Magistrate, Bodinayakanur.
- 2.The Inspector of Police,
Bodinayakanur Town Police Station,
Bodinayakanur, Theni District.
- 3.The Additional Public Prosecutor,3
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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