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Crl.O.P.No.24519 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

Crl.O.P.No.24519 of 2024

Korada Sathik A Jahabar Sathik
Petitioner

..

Versus

The Inspector of Police,
Tittacherry Police Station
Nagapattinam District.

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S), to direct the learned Subordinate Judge, Nagapattinam to dispose of S.C. No. 28 of 2022 within a stipulated time frame as fixed by this Court.

For Petitioner	:	Ms. R. Sripriya
For Respondent	:	Mr. S. Sugendran, Additional Public Prosecutor

ORDER

The petitioner has filed this petition seeking directions to the learned Subordinate Judge, Nagapattinam to dispose of the case in S.C.No.28 of 2022 within a stipulated time frame to be fixed by this Court.



Crl.O.P.No.24519 of 2024

2. The petitioner is the first accused in Crime No.325 of 2015 registered on 30.12.2015, based on the complaint given by the de-facto complainant. It is alleged by the de-facto complainant that the petitioner and other co-accused abducted him, snatched his mobile phone, assaulted, and coerced him into making derogatory statements against some three persons and subsequently recorded a video of the coerced statements as evidence of their unlawful acts, in their mobile phone, and threatened him and he had also sustained injuries. It is in this context, the complaint of the de-facto complainant was registered in Crime No.325 of 2015 against the petitioner and other accused for the offence under Sections 342, 364, 294(b), 324, 392 and 506(i) of I.P.C, and the same was taken on file in S.C.No.28 of 2022 before the Subordinate Court, Nagapattinam, by altering the offence under Section 364, 294(b), 352, 392 and 506(i) of I.P.C. According to the petitioner/accused/A1, despite charges have been framed on 14.11.2022, summons in the criminal case have not been served to the de-facto complainant, due to which, the case remains pending for examination of witnesses, including the examination of L.W.1/the de-facto complainant for more than one and half years. Thus, the petitioner has filed the present Criminal Original Petition with the above prayer.



Crl.O.P.No.24519 of 2024

WEB COPY

3. Learned counsel for the petitioner has submitted that the petitioner is arrayed as first accused in this case and due to the delay in serving summons on the de-facto complainant, the case is pending before the Trial Court for examination of witnesses. Further, he stated that particularly, for examining L.W.1/the de-facto complainant, who is in abroad, the hearing has been continuously adjourned. Therefore, he prayed to issue appropriate direction to the learned Subordinate Judge, Nagapattinam, to complete the trial in S.C.No.28 of 2022 within a time that may be fixed by this Court.

4. The learned Additional Public Prosecutor has submitted that since the de-facto complainant is in Norway, summons could not be served and this has resulted in the delay in commencement of trial and examination of witness L.W.1.

5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record.

6. Having regard to the submissions made by both parties and taking note of the fact that the de-facto complainant is in abroad and therefore, there



Crl.O.P.No.24519 of 2024

is difficulty in service of summons to him, this Court is of the view that a specific outer time limit cannot be fixed in this case. However, this Court directs the learned Subordinate Judge, Nagapattinam to expedite the examination of witnesses, particularly L.W.1 and dispose of the case as early as possible.

7. With the above direction, this Criminal Original Petition is disposed of.

05.11.2024

Index : yes/no
Speaking order : yes/no
Neutral Case Citation : yes/no

klt

To:

- 1.The Inspector of Police,
Tittacherry Police Station
Nagapattinam District.
- 2.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.24519 of 2024

P. VELMURUGAN, J

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Crl.O.P.No.24519 of 2024

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