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Crl.O.P.(MD)No.131 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.131 of 2022
and Crl.M.P.(MD)Nos.90 & 92 of 2022

Lakshmi Thangam

... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
District Crime Branch,
Kanyakumari District.
In Crime No.5 of 1990

2.Kusela Prasad

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in pursuant to the proceedings in C.C.No.242 of 2006 pending on the file of the learned Judicial Magistrate No.I, Nagercoil against the petitioner, quash the same.

For Petitioner	: Mr.T.Selvakumaran
For R1	: Mr.SS.Madhavan, Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.242 of 2006 pending on the file of the learned Judicial Magistrate No.I, Nagercoil.



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2.The case of the prosecution is that the petitioner worked as noon-meal organizer in the Government Primary School, Vadivesvaram. During her tenure from 23.06.1986 to 25.11.1989, she misappropriated the food item, worth about Rs.1,17,536/- and also made false entries in the register maintained by her. Hence, the second respondent preferred a complaint, based on which, FIR in Cr.No.5 of 1990. After completion of investigation, the first respondent filed the charge sheet, which was taken on file in C.C.No.242 of 2006 by the learned Judicial Magistrate No.I, Nagercoil. Challenging the same, the present petition came to be filed.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner would fairly submit that the present case is still pending from the year 2006, without any progress. Therefore, he would request that this Court, without going into the merits of the case, may issue a direction to the Court below to complete the trial within a stipulated period and further, the personal appearance of the petitioner may be dispensed with.

4.In view of the fair request made by the learned counsel appearing for the petitioner and also considering the decision of the Hon'ble Supreme



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Court in *State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)*, this

Court is inclined to dispose this petition by giving necessary direction to Court below to complete the trial within a time frame. Accordingly, learned Judicial Magistrate No.I, Nagercoil is directed to complete the trial in C.C.No.242 of 2006, within a period of three months from the date of receipt of a copy of this order. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for her appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct her appearance on those days.

24.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate No.I, Nagercoil.
- 2.The Inspector of Police,
District Crime Branch,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI,J.

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