



Crl.O.P.(MD) No.348 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.348 of 2024

Shiva

...Petitioner

VS

**The Inspector of Police,
Thirukkurungudi Police Station,
Tirunelveli District.
Crime No.78 of 2019**

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the learned Judicial Magistrate Court, Valliyoor to expedite the trial in CC.No.134 of 2021 pending on the file of the Judicial Magistrate Court, Valliyoor within a time stipulated by this Court.

**For Petitioner : Mr.C.Ezhilarasu
For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)**

ORDER

The learned Counsel for the Petitioner submits that the Petitioner is the accused in C.C.No.134 of 2021 pending on the file of the learned Judicial Magistrate, Valliyoor. The Petitioner is seeking direction against the learned Judicial Magistrate, Valliyoor, to dispose of the case, in which



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the final report was laid and taken on file in the year 2021. It is his further submission that till date, the Petitioner had been regularly appearing, but the trial had not proceeded. Therefore, under Article 21 of the Constitution of India, he seeks right to speedy trial to be invoked.

2.Right to speedy trial is a guaranteed right to the citizens of this country by the Constitution of India, but it has certain restrictions. The Trial Court has to dispose of the case, based on year wise pendency. Not only the Petitioner but also all other accused are facing trial before the very same Court. This Court had sought remarks from the learned Judicial Magistrate, Valliyur, Tirunelveli District. As per the remarks, there are about 2716 cases pending before the very same Judge. When the cases from 2003 are pending, particularly from 2013, there are double digits cases pending. From 2016, more than 100 cases are pending.

3.Under those circumstances, the Petitioner cannot be granted the relief of early disposal on his request ignoring those litigants, who are facing trial before the very same Court for years together. Therefore, the learned Judicial Magistrate, Valliyoor, has within his/her discretion to



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dispose of the case on year wise priority. The Petitioner had expressed his difficulties for continuously appearing before the learned Judicial Magistrate, Valliyoor, all these years. In such circumstances, he can invoke the power of the Court through filing a Petition under Section 205 Cr.P.C. seeking exemption from the regular appearance, till the case is ripe for trial as per the learned Trial Judge.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Petitioner to approach the learned Judicial Magistrate, Valliyoor and seek exemption by filing appropriate petition.

Internet: Yes./No

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Index: Yes/No

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To

1. The Inspector of Police,
Thirukkurungudi Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SATHI KUMAR SUKUMARA KURUP, J.

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