



CrI.O.P.(MD).No.1179 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD).No.1179 of 2024

Ganesan

... Petitioner

Vs.

The Inspector of Police,
EOW-II, Madurai,
Crime No.63 of 2000

...Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Judicial Magistrate No.V, Madurai to expedite trial in C.C.No.48 of 2016 (Old C.C.No.575 of 2001) in Crime No.63 of 2000 within stipulated time fixed by this Court after complying with the orders in CrI.R.C.(MD).No.83 of 2010 passed by this Court, CrI.A.No. 174 of 2017 passed by the Fifth Additional District and Sessions Court.

For Petitioners : Mr.B.Kumaresan

For Respondent : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)



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ORDER

The learned Counsel for the Petitioner submitted that the Petitioner is the De-Facto Complainant. Based on his complaint, the Respondent Police had registered the case in Crime No.63 of 2000. Thereafter, the case was taken up for trial in C.C.No.575 of 2001 before the learned Judicial Magistrate No.IV, Madurai and in the judgment dated 05.12.2007, the accused was acquitted, against which the Petitioner preferred Criminal Revision Petition in CrI.R.C. (MD).No.83 of 2010 and the same was ordered on 19.06.2016 stating that the judgment of the trial court was set aside and the matter was remanded for further trial. At that stage, the case is still pending. Therefore, the Petitioner seeks direction for early disposal of the case.

2. Since it the case of the year 2001, this Court had sought remarks from the learned Chief Judicial Magistrate, Madurai regarding long pendency of this case. As per the remarks offered by the learned Chief Judicial Magistrate, Madurai in D.No.401 dated 03.02.2024, the case was already pending on the file of the learned Judicial Magistrate IV as C.C.No.575 of 2001. Only after full trial, the judgment was delivered on 05.12.2007. Subsequently,



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as against the Trial Court judgment, Crl.R.C.(MD).No.83 of 2010 was filed before the Hon'ble Madurai Bench of Madras High Court. After hearing both parties, this Court had passed the order setting aside the Trial Court judgment with a direction to conduct proper trial. Subsequently, the case pending on the file of the learned Judicial Magistrate No.IV was transferred and renumbered as C.C.No.48 of 2016 before the learned Judicial Magistrate No.V, Madurai. In that case also, trial was conducted by the learned Judicial Magistrate No.V in C.C.No.48 of 2016. Again it ended in acquittal vide order dated 09.10.2017. As against the order, the complainant filed Criminal Appeal before the learned Vth Additional District and Sessions Judge, Madurai in Crl.Appeal No.174 of 2017, in which direction was given to consider the request of the de-facto Complainant in Crl.M.P.No.2661 of 2016 and then to pronounce judgment. Till date, the said Crl.M.P.No.2661 of 2016 is pending.

3. The learned Judicial Magistrate No.V, Madurai is directed to pass orders in Crl.M.P.No.2661 of 2016 after hearing the enquiry at the earliest and proceed with the trial without any unwarranted adjournments. The case shall be heard on day to day basis and shall be disposed of within a reasonable period of three months from the date of disposal of Crl.M.P.No.2661 of 2016.



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

20.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

- 1.The Inspector of Police,
EOW-II, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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