



CrI.O.P.(MD).No.1797 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD).No.1797 of 2024

Maheswaraperumal

... Petitioner

Vs.

The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.
(Crime No.08 of 2019)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Judicial Magistrate Court No.1, Sattur to dispose of the case in C.C.No.6 of 2021 within the time fixed by this Court.

For Petitioner : Mr.A.Manikandan

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner is arrayed as Accused No.1 before the learned Judicial Magistrate No.I, Sattur. The Respondent Police had filed a final report in a case in which the wife of the Petitioner is the Complainant. The case was investigated and the final report



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laid before the Court of learned Judicial Magistrate No.I, Sattur which was taken on file as C.C.No.6 of 2021 for the offences punishable under Sections 498(A), 506(2) IPC and Section 4 of Tamil Nadu Dowry Prohibition Act, 1961. It is the contention of the learned Counsel for the Petitioner that even after 1 ½ years after filing of the charge sheet, the case has been posted repeatedly under the caption “For evidence”. Therefore, the Petitioner is seeking direction to the learned Judicial Magistrate No.I, Sattur to dispose of the case in C.C.No.6 of 2021 earlier.

2. The learned Additional Public Prosecutor on instructions from the Respondent would submit that totally there are 13 witnesses. He would further state that already L.W.1 to L.W.10 had been examined. As per the final report the case is posted to 13.02.2024 for evidence. As per the daily status uploaded on the website of the Court of District Munsif Cum Judicial Magistrate No.I, Sattur, the case is posted for recording the evidence of L.W.11 to L.W.13. It is the submission of the learned Additional Public Prosecutor that the accused in this case had not at all appeared and had not cross examined P.W.1 and P.W.2 till date.

3. Considering the submission of the learned Counsel for the Petitioner and the learned Additional Public Prosecutor, this Court directs the Petitioner to



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co-operate with the Trial Court, failing which the learned Judicial Magistrate No.I shall pass orders in the light of the judgment passed in the case of ***Vinod Kumar Vs State of Punjab*** reported in ***(2015) 1 MLJ (Crl) 288 (SC)***, thereby passing appropriate orders that the accused had not exercised his right of defence by cross examining the witnesses when the witnesses were available in the Court. The learned District Munsif cum Judicial Magistrate No.I, Sattur is directed to dispose of the case as early as possible following the guidelines of ***Vinod Kumar Vs State of Punjab***. If the accused does not co-operate with the Trial Court, the learned District Munsif Cum Judicial Magistrate No.I, Sattur, shall pass appropriate orders in the light of the ***P.K.Shaji Vs State of Kerala***, reported in ***AIR 2005 SCW 5560***, thereby cancelling the bail and detain them in prison till the case is disposed of.

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

07.02.2024

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



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To

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- 1.The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.
- 2.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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