



Crl.O.P.(MD)No.1779 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.1779 of 2024

T.S.Pasupathy

... Petitioner

Vs

- 1.M.Mylsamy,
Inspector of Police(Law and Order),
CBCID-OCU, Trichy,
(OCU Crime No.1/2016).
- 2.M.Jayaraj,
Inspector of Police(Law and Order),
R5,Virugambakkam Police Station,
Virugambakkam,
Chennai 600092
Presently Working At Inspector of Police.
- 3.S.Kannan,
Constable(Driver),
R5, Virugambakkam Police Station,
Virugambakkam
Chennai 600092
(Presently Working in
The same Station in Crime Department)
- 4.A.Vijayapandian,
Sub Inspector of Police,
R8, Vadapalani Police Station,
Vadapalani,
Chennai,



CrI.O.P.(MD)No.1779 of 2024

WEB COPY

Presently working At
Sub Inspector of Police(Crime),
Thallakulam.

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate No.VI, Trichirappalli to dispose of CC.No.437/2021 pending on its file within a reasonable time period to be fixed by this Court.

For Petitioner	: Mrs.Mariya Jovitha.J,
For R1	: Mr.A.Robinson

ORDER

The petitioner/defacto complainant in CC No.437 of 2021, pending on the file of the Judicial Magistrate Court No.VI, Trichy has filed this petition, seeking a direction to the trial Court to conclude the trial as expeditiously as possible.

2.The learned counsel appearing for the petitioner submits that an occurrence had taken place in the year 2014, for which, a case was registered in the year 2016 in Crime No.1 of 2016, for the offence under Sections 147, 341, 294(b), 323, 506(i) of IPC as against one Jayaraj, the Inspector of Police, R5 Virugambakkam Police Station and Kannan, the Sub Inspector of Police, Vadapalani Police Station and 10



Crl.O.P.(MD)No.1779 of 2024

other police personnels. The Investigating Agency/ CBCID has conducted an enquiry and closed the same as mistake of fact in the year April 2018. On the protest petition filed by the petitioner, the learned Magistrate took cognizance of the same in CC No.437 of 2021 on 01.04.2021 against the respondents 2 to 4 herein, for the offence under Sections 294(b), 323, 354, 506(i) r/w 34 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Some witnesses have been examined in the year 2023 and thereafter there is no progress in the trial. Therefore, the petitioner is before this Court seeking a direction to the learned Judicial Magistrate No.VI, Trichy to dispose of the case in CC No.437 of 2021, within a stipulated time.

3.The learned counsel appearing for the first respondent submits that he has entered appearance only on 19.06.2024. Therefore, he sought for a short accommodation for getting instructions and to file a counter affidavit.

4.The learned counsel for the petitioner submits that the accused in this case are police officials and on account of custodial torture, the case has been registered and therefore, the Investigating



Cr.L.O.P.(MD)No.1779 of 2024

Agency has not proceeded with the enquiry and closed the case as mistake of fact. However, the case was taken on file on the protest petition filed by the petitioner.

5.Considering the rival submissions made on either side, this Court, by earlier order, dated 06.02.2024 has directed the learned Chief Judicial Magistrate, Trichy to file a report as to the stage of the case in CC No.437 of 2021. The learned Chief Judicial Magistrate, Trichy has filed a report stating that PWs1 to 4 were examined on 24.08.2023 and PWs 5 and 6 were examined on 21.09.2023. Thereafter, the case was adjourned for marking additional documents through PW 1/one Pasupathi. Therefore, at the request of the learned counsel for the complainant for marking additional documents and for continuation of chief examination of PW 1, it has been adjourned. On 19.12.2023, the petitioner herein has filed a petition under Section 319(1) of Cr.P.C., in Cr.MP No.39985 of 2023 to implead additional accused. The case was posted on 09.03.2024 for filing counter by the respondents.

6.This Court considered the rival submissions made and also perused the materials placed on record.



Crl.O.P.(MD)No.1779 of 2024

WEB COPY

7.The grievance of the petitioner is that this petitioner has been assaulted by the police officers, for which, he has lodged a complaint before the respondent police. Though the complaint was closed as mistake of fact in the year 2018, on the protest petition filed by the petitioner, the case was taken on file in CC No.437 of 2021 by the learned Judicial Magistrate No.VI, Trichy and the trial is under progress.

8.In view of the above, this Criminal Original Petition is allowed with a direction to the learned Judicial Magistrate No.VI, Trichy to conclude the trial in CC No.437 of 2021, within a period of five months from the date of receipt of a copy of this order. The respondent shall co-operate for the trial for cross examination of witnesses. The trial Court shall proceed with the case, in the event, if the witnesses have not been cross examined on the same day.

15.07.2024

NCC : Yes/No
Index : Yes/No
vrn



CrI.O.P.(MD)No.1779 of 2024

To

1.The Judicial Magistrate No.VI, Trichy

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1779 of 2024

B.PUGALENDHI,J

vrn

Order made in
Crl.OP(MD)No.1779 of 2024

15.07.2024