



Crl.O.P.(MD) No.2286 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.03.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.2286 of 2024

Selvakumar

...Petitioner

VS

1.The Superintendent of Police,
Madurai Rural,
Madurai.

2.The Deputy Superintendent of Police,
Thirumangalam,
Madurai.

3.The Inspector of Police,
T.Kalluppatti Police Station,
T.Kalluppatti,
Madurai District.

4.S.Ananthakumar
*(R1 and R2 are suo motu
impleaded by this Court vide
order dated 19.03.2024)*

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying, to direct the learned Subordinate Judge, Tirumangalam to dispose



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the case in S.C.No.136 of 2018 in a time bound manner as fixed by this Court.

For Petitioner : Mr.T.Vadivelan

For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this petition seeking direction against the learned Subordinate Judge, Tirumangalam to dispose of the case in S.C.No.136 of 2018. The Petitioner is the first accused in SC.No.136 of 2021 on the file of the learned Subordinate Judge, Thirumangalam.

2.When the case came up for hearing on 11.03.2024, this Court had sought remarks from the learned Subordinate Judge, Thirumangalam to the query as to whether all the accused are appearing before the Court regularly all these years and whether the charges had been framed. From the remarks offered by the learned Subordinate Judge, Thirumangalam, in his letter in D.No.632/2024, dated 18.03.2024, it is found that invariably all the accused had left it NBW and subsequently, appeared and recalled the NBW.

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Therefore, the Court was unable to frame the charges till date. Invariably, 1 or 2 accused are absent.

3.In the light of the above remarks, the Superintendent of Police, Madurai Rural, Madurai and the Deputy Superintendent of Police, Thirumangalam, Madurai are *suo motu*_impleaded as Respondents 1 and 2 respectively. The original Respondents in this Writ Petition are rearranged accordingly. The Respondents 1 and 2 are directed to supervise the case in SC.No.136 of 2021 through the SHO of the T.Kalluppatti Police Station.

4.As per the reported ruling of the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala reported in (2005) AIR SCW 5560***, when the right of the accused to bail is considered, a condition is imposed that the accused on bail shall co-operate with the pending investigation and after investigation shall co-operate with the pending trial. Here in this case, the accused are on bail, but they had not co-operated with the Court, as per the remarks offered by the learned Subordinate Judge, Thirumangalam. Even though the sessions case is of the year 2021, till date, the learned Subordinate Judge, Thirumangalam was unable to frame the charges due to



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the dilatory tactics of the accused, thereby delaying the trial. Under such circumstances, the SHO of the T.Kalluppatti Police Station shall file a petition before the very same Court to cancel the bail of all the accused except A1 and detain them in prison. While cancelling the bail, the sureties action is to be initiated. They shall be directed to pay the amount and the bail bond is also to be cancelled. The accused 2 to 10 are to be detained in prison with a warning to the Petitioner herein/A1 to co-operate with the Court to appear regularly for every hearing and to enable the Court to hear the arguments of the learned Public Prosecutor and the learned Counsel appearing for the accused and then frame the charges.

5.Opening of the prosecution means hearing the arguments regarding framing of charges. From then onwards, the learned Judge shall proceed with framing of charges and fix the trial. Also he shall issue trial proceedings to the SHO of the Police Station concerned to verify as to whether all the witnesses are available and fix the time table so as to examine the list witnesses as cited in the charge sheet within the time frame to be fixed by the learned Judge. The trial proceedings shall be issued through the learned Judicial Magistrate concerned and verified whether all



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the witnesses are available and obtain a report regarding the availability of the witnesses. Once the trial recording of the evidence commences, there shall not be any hindrance. It shall be proceeded on day-to-day basis, so that the entire recording of evidence concludes within the period of 10 or 15 days continuously. Also, the learned Subordinate Judge, Thirumangalam shall prevail upon the learned Counsel appearing for the accused. When the witnesses appear, they shall be cross-examined as per the reported ruling of the Hon'ble Supreme Court in the case of ***Vinod Kumar Vs. State of Punjab*** reported in ***CDJ 2015 SC 115***. The accused shall be released only after conclusion of trial if the trial ends up in judgment of acquittal. Otherwise, the learned Judge shall pass appropriate orders. The learned Judge shall fix the time frame commencing from the date of opening of the trial till the disposal by the judgment within a period of 3 months.

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

Internet: Yes./No
Index: Yes/No
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To

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Madurai.
- 2.The Deputy Superintendent of Police,
Thirumangalam,
Madurai.
- 3.The Inspector of Police,
T.Kalluppatti Police Station,
T.Kalluppatti,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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SATHI KUMAR SUKUMARA KURUP, J.

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