



CrI.O.P.(MD)No.2498 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.2498 of 2024

Valan Arasi

... Petitioner

Vs

1.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No.337 of 2021.

2.Chandru @ Siluva Arul Chandru

3. Revanth

4. Pritheesh @ Sanjay Prathesh

5. Nickolas @ Nockolas Rabiston

6. Dennis @ Siluvai Micheal Dennis

7. Vinister @ Anton Xavier Vinister

8. Eruthayam @ Eruthaya Yovan

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the III-Additional District Court, Tirunelveli to expedite the trial proceedings in SC.No.290 of 2022 and pronounce the verdict within stipulated time as fixed by this Court.

For Petitioner : Mr.T.Indrachithu

For R1 : Mr.P.Kottaichamy

Government Advocate (CrI.side)

For R7 : Mr.R.Anand



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ORDER

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The petitioner/defacto complainant/PW 1 in SC No.290 of 2022, which is pending on the file of the III Additional District Court, Tirunelveli has filed this application, seeking a direction to the trial Court to conclude the trial within a stipulated time.

2.The learned counsel appearing for the petitioner submits that for the occurrence took place in the year 2021, in which, the petitioner's son was brutally attacked and murdered by three persons, a complaint has been lodged by the petitioner herein, based on which, a case in Crime No.337 of 2021, for the offences punishable under Sections 147, 148, 109, 302 of IPC has been registered on 29.08.202 by the respondent police. The respondent police, after conducting the investigation has filed the final report in the year 2021 and the case was assigned with SC No.290 of 2022, which is now pending on the file of the III Additional District Court, Tirunelveli. The grievance of the petitioner is that though the case was taken on file in the year 2022, the trial has not been concluded.



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3.In order to verify the stage of the case in SC No.290 of 2022, this Court, by order, dated 21.02.2024 has called for a report from the learned III Additional District Judge, Tirunelveli.

4.Accordingly, a report, dated 27.02.2024 has been submitted by the III Additional District Judge, Tirunelveli stating that the trial has been commenced on 13.09.2022; the witnesses LW 1 to LW 3 were present; however, at request of the learned counsel for A6 that certain documents have not been furnished to him by the learned Judicial Magistrate, Radhapuram, during the committal proceedings, an adjournment was sought for and therefore, without cross examination of the witnesses LW 1 to LW 3, the case was adjourned to 10.10.2022; On 10.10.2022, the witnesses have not appeared before the trial Court; therefore, the case was once again adjourned to 03.11.2022. On 17.11.2022, PWs 1 & 2 were examined, however, they have not been cross examined by the accused; PWs 3 & 4, PW 5, PW 6, PW 7 and PW 8 and PW 9 were examined on 20.01.2023, 10.02.2023, 13.03.2023, 31.03.2023 and 24.04.2023 respectively. Though these witnesses have been examined, the accused has not cross examined any of the above witnesses. An application under Section 311 of Cr.P.C was filed on



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24.04.2023 to recall PWs 1 to 9 for the purpose of cross examination and the same was allowed. PWs 1 to 3 were available on 05.07.2023; however, due to boycott by the Advocates in the trial Courts, the witnesses were not examined and they were bound to appear on 10.07.2023; PW 1 was cross examined in part on 10.07.2023 and the case was adjourned to 24.07.2023 for the continuation of cross of PW 1; thereafter, cross examination of PW 1 was completed on 07.08.2023, PW 2 was cross examined on 30.08.2023 and he was not cross examined in toto; finally, cross examination of PW 2 was completed only on 16.11.2023; PWs 3 & 4 were cross examined on 04.01.2024. The report further reveals that totally 48 witnesses have been cited in this case and summons have been issued only upto 27 witnesses. The learned Judge has further submitted that the trial Court is burdened with several Sessions cases and in most of the cases, there are more than 7 to 10 witnesses and therefore, the Court could not allot sufficient time for those cases. The learned Judge has expressed his difficulty that apart from the Sessions Cases, there are 1048 civil cases and several MCOP cases are also pending in the Court.



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5.This Court considered the submissions made by the learned counsel for the petitioner and also perused the report filed by the III Additional District Judge, Tirunelveli.

6. It appears that the learned Additional District Judge is burdened with several other cases and therefore, he is conducting the trial of a sessions case in such a manner from the year 2022, which would certainly demoralise the witnesses in the Sessions case.

7.Considering the manner in which, the trial is being conducted by the learned Judge from the year 2022, in a Sessions Case, this Court directs the learned Principal District Judge, Tirunelveli to withdraw the case in SC No.290 of 2022 from the file of the III Additional District and Sessions Judge and hand over the same to some other competent Court, within his jurisdiction and ensure that the trial in SC No.290 of 2022 is concluded within a period of six months from the date of receipt of a copy of this order.



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

18.07.2024

VRN

To

- 1.The Principal District Court, Tirunelveli.
- 2.The III Additional District and Sessions Court, Tirunelveli.
- 3.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No.337 of 2021.



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B.PUGALENDHI,J

vrn

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