



Crl.O.P.(MD)No.2963 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.2963 of 2024

Rajesh

... Petitioner

Vs.

1. The Inspector General of Police,
Madurai South Zone,
Madurai.
2. The Deputy Inspector General of Police,
Ramanathapuram,
Madurai.
3. The Superintendent of Police,
Sivagangai.
4. The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
5. Ilayaraja.
6. Mani
7. Rajadurai
8. Ramanathan
9. Kumar
10. Rajeshwari

... Respondents

***(R1 to R3 are suo motu impleaded, vide Court order,
dated 26.02.2024 in Crl.O.P.(MD)No.2963 of 2024)***



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Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, to dispose of the PRC No.22 of 2023 within the time frame that may be fixed by this Court.

For Petitioner : Mr.S.M.Arun Kumaar

For R-1 to R-4 : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking direction against the Respondent Police for an early disposal of the case.

2.It is the contention of the learned Counsel for the Petitioner that based on the complaint, the Respondent Police had completed the investigation and laid the final report before the Court concerned. By the time, the final report was laid, the name of the fourth accused was removed which was objected by the Petitioner herein. Subsequently, after due enquiry, the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, had passed orders to include the name of the fourth accused and rejected the request of the prosecution to drop the name of the fourth accused. The learned Counsel for the Petitioner also produced the



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status report uploaded on the website of the Court of the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, wherein, even though summon was issued by the committal Court, the Respondent Police did not issue summons to the accused. The conduct of the Respondent Police is deprecated. The Inspector General, South Zone, Madurai and the Deputy Inspector General of Police, Ramanathapuram, Madurai Range are *suo motu* impleaded as a necessary party by this Court for the conduct of the SHO, Thiruppachethi Police Station, in remaining indifferent to conduct the prosecution. An explanation shall be sought from the SHO, Thiruppachethi Police Station, Sivagangai. A few years ago, in the very same Police Station limit, a directly appointed Sub Inspector was killed by the criminals operating within the limits of the same Police Station. The Police Station and the Officials shall be monitored by the Inspector General of Police, South Zone, Madurai and the Deputy Inspector General of Police, Ramanathapuram, Madurai Range, the Superintendent of Police, Sivagangai are *suo motu* impleaded as necessary parties in this case for continuous monitoring of the SHO concerned.

3.This case is to be monitored under the direct supervision of the Deputy Inspector General of Police, Ramanathapuram and Inspector General of Police, South Zone, Madurai, till the Sessions trial concludes.



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The learned Sessions Judge, Sivagangai, shall also protect the witnesses by securing their safety in the Court premises during trial. The prosecution is to be completely monitored from day one, till the trial in case is concluded in delivering judgment on merits. If there is non co-operation from the accused, the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, or the learned Sessions Judge as trial Judge shall cancel the bail of all the accused. The Inspector General of Police, South Zone, Madurai and the Deputy Inspector General of Police, Ramanathapuram, and the Superintendent of Police, Sivagangai, shall monitor this case, so that the witnesses shall be protected. The conduct of the Police team of Thiruppachethi Police Station, does not inspire confidence either to the complainant or to the common citizens. If the accused even after the summons did not co-operate for committal proceedings, the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, shall cancel the bail even if they are granted bail by the Hon'ble High Court or by the Hon'ble Supreme Court, as per the reported ruling in the case of ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*** and shall detain the accused in prison. During such detention, the committal proceedings shall be initiated so that the trial proceeds before the learned Principal District Judge, Sivagangai.

4.Either the learned Principal District Judge, Sivagangai himself or



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any other Additional District Judges available in the Head Quarters shall conduct the trial as per the proceedings of the learned Principal District Judge, Sivagangai, Which ever Court the case is transferred, shall protect the witnesses and shall pass appropriate orders against the accused for any threat or violence against the witnesses. The committal proceedings shall be concluded within a period of one month from the date of receipt of a copy of the order by the learned Judicial Magistrate, Thiruppuvanams.

5.The learned Principal District Judge, Sivagangai shall pass orders either taking up himself or may make over the case to the learned Additional District Judge concerned. The learned Additional District Judge concerned shall give top priority to the case and issue appropriate instructions to the Police Officials from the Station House Officer, Thiruppachethi Police Station up to the Superintendent of Police, Sivagangai.

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

26.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No



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To

1. The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District
2. The Deputy Inspector General of Police,
Ramanathapuram,
Madurai.
3. The Inspector General of Police,
Madurai South Zone,
Madurai.
4. The Superintendent of Police,
Sivagangai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.,

jbr

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