



WEB COPY



CrI.O.P.(MD) No.8300 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.8300 of 2024

U.Chellapandi

... Petitioner

Vs

The Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.79/2012).

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Judicial Magistrate Court No.I, Madurai to expedite the proceedings in CC No.11/2016, as expedite as possible, by fixing a time frame.

For Petitioner : Mr.K.R.Laxman,

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



CrI.O.P.(MD) No.8300 of 2024

ORDER

WEB COPY

This criminal original petition has been filed seeking speedy trial in C.C No.11 of 2016, pending on the file of the learned Judicial Magistrate Court No.I, Madurai.

2.The learned Counsel appearing for the petitioner submits that the petitioner is the witness L.W.2 in C.C.No.11 of 2016. The petitioner's father was impersonated by the accused and a document was created for which, the case was registered on the complaint of the petitioner's father, namely, Ukakirapandi on 27.05.2012 for the offences under Sections 120(b), 468, 471, 406 and 419, 420, 471 and 506(1) IPC and the final report was filed in the year 2016 before the learned Judicial Magistrate No.I, Madurai. Even after the filing of the final report there is no progress in the trial, since the accused are very influential. The grievance of the petitioner/L.W.2 is that though the final report was filed in the year 2016, there is no progress in the trial.



CrI.O.P.(MD) No.8300 of 2024

3.Considering the submissions made by the learned Counsel for the petitioner, this Court by earlier order, dated 12.06.2024, has called for a report from the learned Principal District Judge, Madurai. The learned Principal District Judge, Madurai, has filed a report and I am not satisfied with the same since the learned Principal District Judge, Madurai, has not filed the report as directed. Therefore, this Court has directed the learned Chief Judicial Magistrate, Madurai, to file a report before this Court. The learned Chief Judicial Magistrate, Madurai, has filed the report on 22.07.2024, stating that the accused have filed the applications under Sections 205 and 239 Cr.P.C before the trial Court in Cr.M.P.Nos.3828 and 3829 of 2019 and those applications were found missing. Therefore, for the purpose of tracing those papers, the trial has not been proceeded. It is now reported that these two applications have been traced and that the application under Section 239 Cr.P.C. filed by the seventh accused seeking to discharge him was dismissed and the petition filed under Section 205 Cr.P.C to dispense with the personal appearance of the first accused was allowed and therefore, now the case is adjourned to 03.08.2024 for framing of charges.



CrI.O.P.(MD) No.8300 of 2024

4.This Court has considered the submissions made and also perused the reports filed before this Court.

5.It is very unfortunate that for the complaint lodged by the petitioner's father, the real victim, in the year 2012, the final report was filed only in the year 2016. From the year 2016 till date, the trial has not commenced and not even the charges have been framed. The victim himself is died. If this is how the prosecutions are conducted, it is not known how this system would redress the grievance of the affected victims. The lapse is not only on the part of the investigation agency/prosecution, but also on the part of the Judiciary. It is not known how the papers in the Judicial Magistrate Court have been misplaced and for want of these applications, the main case is also kept pending for all these years. The papers said to have been missing is also the applications filed under Sections 205 and 239 Cr.P.C. Spending time for tracing the missing papers, the trial Court ought to have taken a fresh decision instead of keeping the matter pending for years together. The trial Court is not supposed to keep the matter pending for several years. The calender case is pending for the past eight years. The trial Courts are expected to give priority to the old cases. Therefore, the



CrI.O.P.(MD) No.8300 of 2024

trial Court ought to have given some preference for the old case, which is pending from the year 2016.

6.The petitioner has made a specific allegation that the first accused is a very influential person and therefore, there is a delay in filing the final report and in proceeding with the trial.

7.It appears that in this case, the nature of offence is of impersonation and forgery of document. The application filed by the first accused under Section 205 Cr.P.C. was entertained by the trial Court and his personal appearance was also dispensed with. This Court is not making any comment on the orders passed the learned Judicial Magistrate No.I, Madurai, under Section 205 Cr.P.C without knowing the reasons for granting such a relief. However, this Court feels that it is not proper for dispensing the personal appearance of the main accused against whom, serious allegations have been made.

8.The trial Court shall dispose the case in C.C.No.11 of 2016 without any further delay and the trial Court is also expected to conduct the trial on



Crl.O.P.(MD) No.8300 of 2024

day-to-day basis and conclude the trial, within a period of three months from the date of receipt of a copy of the order. The respondent police is also directed to produce all the witnesses without any delay.

9. With the above directions, this criminal original petition is disposed of.

01.08.2024

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

To
1. The Inspector of Police,
District Crime Branch,
Madurai District.

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



WEB COPY



Crl.O.P.(MD) No.8300 of 2024

B.PUGALENDHI, J.

LR

CRL.O.P (MD) No.8300 of 2024

01.08.2024