



CRL OP(MD). No.9130 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated :08.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.9130 of 2024

Muthusamy

... Petitioner

Vs

State rep. By
The Inspector of Police,
CBCID,
Perambalur District.
(Cr.No.20/2009)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned trial court to dispose the case in C.C.No.383 of 2018 pending on the file of the learned Judicial Magistrate No.VI, Trichy within the time frame fixed by this Court

For Petitioner : Mr.Marimuthu.N
for Sathiamoorthy.M,

For Respondent : Mr.E.Antony Sahaya Prabahar
Government Advocate (Crl. Side)



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ORDER

This criminal original petition has been filed seeking a direction to the learned trial Court to dispose the case in C.C.No.383 of 2018 pending on the file of the learned Judicial Magistrate No.VI, Trichy as expeditiously as possible.

2. The learned Counsel appearing for the petitioner submits that though charge sheet has been filed in the year 2018 for want of production of witness by the prosecution agency, the petitioner is suffering for the past six years.

3. The learned Additional Public Prosecutor submits that the petitioner is also an accused in CC No.383 of 2018. The petitioner has committed offences in various places and he is having 11 similar previous cases. Since the the respondent is conducting investigation in all the cases and in view of the cases pending before the various Courts, an application has been filed before this Court in CrI.O.P.(MD)No.10768 of 2010 by the prosecution agency and the same was allowed by this



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Court by order dated 01.12.2016 stating that all the cases should be tried in the same Court. Also, he submits that by referring the said order, now all the cases have been tagged together and they are intending to proceed further.

4. It appears that the cases which have been registered in the year 2009-2010 are kept pending without any progress. The prosecution agency has not shown any interest for the progress of the trial from the year 2010. Despite the direction of this Court on 01.12.2016 to try all the cases together, the cases have not been tagged together and are kept pending without any progress. It is doubtful whether any witness would be available for giving evidence after this distant point of time.

5. This Court has also called for the report from the learned Judicial Magistrate No.VI, Thiruchirapalli and the learned Judicial Magistrate No.VI, Thiruchirapalli, has filed a report stating that the copies were furnished only pursuant to the orders of this Court on 16.05.2024. If this is how the Investigation Agency is prosecuting the cases, there cannot be any proper logical conclusion in these type of



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cases and ultimately it will embolden the accused to indulge in further offence.

6. Therefore, this Criminal Original Petition is disposed of with a direction to the respondent police to take appropriate action as against the Officers concerned, who are responsible for the delay in prosecuting the case and also to produce the witnesses as expeditiously as possible. The trial Court is directed to conduct the trial on day to day basis and to conclude the trial within a period of four months from the date of receipt of a copy of this order.

08.07.2024

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



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To

1. The Judicial Magistrate No.VI,
Thiruchirapalli.
2. The Inspector of Police,
CBCID,
Perambalur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

jbr

Order made in
CrI.O.P.(MD)No.9130 of 2024

08.07.2024