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Crl.O.P.(MD) No.10618 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.10618 of 2024

Barnabosh

... Petitioner

Vs

The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the III Additional District court, Tirunelveli to conclude the trial in S.C No. 95/2024 within the time fixed by this Court.

For Petitioner : Mr.A.R.Kannappan,

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

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This criminal original petition has been filed seeking a direction to the learned III Additional District Judge, Tirunelveli, to conclude the trial in S.C No. 95 of 2024, within a stipulated time.

2.The learned Counsel appearing for the petitioner submits that the accused in S.C.No.95 of 2024 is a notorious criminal, having several criminal cases to his credit and he was detained under Tamil Nadu Act 14 of 1982. However, the detention order was set aside by this Court. Therefore, he may come out on bail at any time and there is a possibility of absconding in order to evade the trial.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police disputed the submission of the learned Counsel appearing for the petitioner that the accused is not having any previous case, however, he was detained under Tamil Nadu Act 14 of 1982. He further submits that trial has already commenced, five witnesses have been examined and the case is also posted on 23.07.2024, for examination of the witnesses P.W.7 to



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4.This Court has considered the rival submission made.

5.From the submissions of the learned Counsel appearing on either side, it appears that the case has been committed in the year 2024, the same was taken up for trial in the year 2024 itself and five witnesses have been examined. Now, the case is also posted on 23.07.2024, for examination of the witnesses P.W.7 to P.W.12.

6.This Court feels that several old year cases are still pending in the trial Courts. However, some special importance has been given to this case alone. Though the accused is not having any antecedent, he was detained under the Act 14 of 1982. It appears that the defacto complainant/petitioner is making some efforts and projecting the case as against the accused that he is a hardcore criminal, he will abscond for the trial and he is a goonda. All these things are framed in order to prejudice the mind of the trial Court, for which, this Court is not inclined to pass any orders in favour of the petitioner/defacto complainant.



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7.The trial Court while giving importance to these cases, shall also give importance to those cases, which are pending from the year 2020 or 2021 or 2022. Therefore, the trial Court is directed to give priority to other cases and also conduct a fair course of trial as against the accused in S.C.No.95 of 2024 without getting influenced by the act of the petitioner.

8.With the above direction, this criminal original petition is disposed of.

16.07.2024

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

To
1.The III Additional District Court,
Tirunelveli.

2.The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.

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

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B.PUGALENDHI, J.

LR

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