



Crl.O.P.(MD)No.12700 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12700 of 2024

R.Thennarasi

... Petitioner

Vs.

1.The Commissioner of Police,
O/o.Commissioner of Police,
Tirunelveli.

2.The Inspector of Police,
Pettai Police Station,
Pettai,
Tirunelveli.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to issue a direction directing the learned Additional Mahila Court (J.M. Level), Tirunelveli to conclude the trial in C.C.No.1449 of 2022 within a stipulated period fixed by this Court in the interest of timely justice.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the learned Additional Mahila Court (J.M. Level), Tirunelveli to expedite the case in C.C.No.1449 of 2022 and dispose of the same as expeditiously as possible within a time that may be stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

3. It is evident from the records that on the basis of the complaint given by the petitioner, FIR came to be registered in Crime No.80 of 2020 and that the second respondent, after completing the investigation, has laid the final report before the learned Judicial Magistrate No.V, Tirunelveli and the same was taken on file in C.C.No.1449 of 2022.

4. The learned counsel appearing for the petitioner would submit that the police had failed to appear on many occasions before the trial



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Court to protract the case in favour of the accused and that the continued delay endangers the integrity of the judicial process, as witnesses may become unavailable or their testimonies may lose relevance over time.

5. The main contention of the petitioner is that the occurrence was happened in the year 2015 and FIR was registered only in the year 2020. But the fact remains that, the charge sheet has been filed in the year 2021. The High Court has already issued Circulars to the District Judiciary directing the Courts to give priority for the cases relating to the Senior Citizens, HIV affected persons, Defence personnel, women and children etc., The petitioner, without approaching the trial Court, has directly approached this Court. In the absence of total pending particulars and the work burden of that particular Court, this Court is not inclined to give any direction to dispose of the case within the specified period of time.

6. However, the trial Court is required to give priority to the cases, as per the Circulars of the High Court. The petitioner is at liberty to approach the trial Court and if such requisition for early disposal of the



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case is made, the learned trial Judge is directed to consider the same, in the light of the circulars issued by this Court.

7. With the above observation and direction, this Criminal Original Petition stands disposed of.

05.08.2024

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

To

- 1.The Additional Mahila Court (J.M. Level),
Tirunelveli.
- 2.The Commissioner of Police,
O/o.Commissioner of Police,
Tirunelveli.
- 3.The Inspector of Police,
Pettai Police Station,
Pettai,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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