



CrI.O.P.(MD)No.13560 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.13560 of 2024

Sethuraman

... Petitioner

Vs.

The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Cr.No.443 of 2019)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Judicial Magistrate No.II, Sivakasi, Virudhnagar District to dispose the case in C.C.No.71 of 2021, within a stipulated time by this Court.

For Petitioner : Mr.V.Muthumani

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (CrI. Side)

ORDER

This criminal original petition has been filed seeking orders to direct the learned Judicial Magistrate No.II, Sivakasi, Virudhnagar District to dispose the case in C.C.No.71 of 2021, within a time frame.



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

3.It is evident from the records that on the basis of the complaint lodged by the petitioner, FIR came to be registered in Crime No.443 of 2019 and that the respondent, after completing the investigation, has laid the final report before the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District, on 05.01.2021 and the same was taken on file in C.C.No.71 of 2021.

4.The learned counsel appearing for the petitioner would submit that the petitioner/defacto complainant is aged about 72 years and that there is no progress in the trial for the past three years.

5.The learned Government Advocate(Crl.side) appearing for the respondent would submit that summons were issued to the witnesses for their appearance and that the trial is pending.



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6.The main contention of the petitioner is that he is a Senior Citizen and that therefore, this case has to be expedited. 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.

7.At this juncture, the learned counsel for the petitioner would submit that considering the age of the petitioner and his age-old ailments, the trial Court may be directed at-least to examine the petitioner at the first instance.

8.The trial Court is required to give priority to the cases, as per the Circulars of the High Court. Considering the submission made by the learned counsel for the petitioner and taking note of the age and health condition of the petitioner, the learned Judicial Magistrate No.II,



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Sivakasi, Virudhunagar District is directed to examine the petitioner/defacto complainant at the first instance and then, to proceed with the trial in the routine manner.

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

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Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate No.II,
Sivakasi,
Virudhnagar District.
- 2.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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