



Crl.O.P.(MD)No.14144 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14144 of 2024

1.Ratheesh

2.Nishan

... Petitioners

Vs.

The State rep. by its
Inspector of Police,
Nithravilai Police Station,
Kanyakumari District.
(Crime No.123 of 2022)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the learned Judicial Magistrate No.2, Kuzhithurai to dispose the
case in C.C.No.1163 of 2022 on the file of the Judicial Magistrate No.2,
Kuzhithurai within a stipulated period that may be fixed by this Court.

For Petitioners : Mr.S.Sivakumar

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



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the learned Judicial Magistrate No. 2, Kuzhithurai to expedite the case in C.C.No.1163 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 petitioners and the learned Additional Public Prosecutor appearing for the respondent.

3. It is evident from the records that on the basis of the complaint given by one Gnanasigamani, FIR came to be registered in Crime No.123 of 2022 and that the respondent, after completing the investigation, has laid the final report before the learned Judicial Magistrate No.II, Kuzhithurai against the petitioners and the same was taken on file in C.C.No.1163 of 2022.

4. The learned counsel appearing for the petitioners would submit that due to vengeance, the respondent police put up this case against the



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petitioners and that since the case is pending for a long time, the petitioners could not pursue fishing work.

5. The fact remains that, the charge sheet has been filed in the year 2022. 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 petitioners, without approaching the trial Court, have 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 petitioners are at liberty to approach the trial Court and if such requisition for early disposal of the case is made, the learned trial Judge is directed to consider the same, in the light of the circulars issued by this Court.



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7. With the above observation and direction, this Criminal Original

Petition stands disposed of.

28.08.2024

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

To

- 1.The Judicial Magistrate No.2,
Kuzhithurai.
- 2.The Inspector of Police,
Nithravilai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.14144 of 2024

Dated: 28.08.2024