



Crl.O.P.(MD)No.16824 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16824 of 2024

Mahendra

... Petitioner

Vs.

1.State rep by
The Inspector of Police,
Commercial Crime Investigation Wing,
(CCIW-CID)
presently Economic Offences Wing,
Virudhunagar.
(In Crime.No.2 of 2018)

2.Sankaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Judicial Magistrate No.II, Virudhunagar to dispose of the case in C.C.No.386 of 2020 as expeditiously within time frame as may be fixed by this Court.

For Petitioners : Mr.D.Shanmugaraja Sethupathi

For R1 : Mr.E.Antony Sahaya Prabakaran,
Additional Public Prosecutor.



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ORDER

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The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders, to direct the learned Judicial Magistrate No.II, Virudhunagar to dispose of the case in C.C.No.386 of 2020 as expeditiously within time frame as may be fixed by this Court.

2. Heard the learned counsel for the petitioner and also the learned Additional Public Prosecutor appearing for the State.

3. It is evident from the records that on the basis of the complaint lodged by the second respondent, FIR came to be registered in Crime No.2 of 2018 and that the respondent, after completing the investigation, has laid the final report before the learned Judicial Magistrate No.II, Virudhunagar and the same was taken on file in C.C.No.386 of 2020 of the offence under Sections 406, 408, 465, 467, 468, 471, 477A, 34, 120B, 420 of IPC.

4. The learned counsel appearing for the petitioner would submit that the petitioner is the one of the victim and that the case is being adjourned again and again without any valid reason and hence, he was constrained to file the present petition.



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5. The learned Additional Public Prosecutor appearing for the State would submit that some of the accused have filed discharge petition and the same is pending.

6. Since the discharge petition is pending for the past two years, the learned Judicial Magistrate is directed to conduct enquiry and dispose of the discharge petition within a period of two months from the date of receipt of copy this order.

7. 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.



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

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

03.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

1. The Judicial Magistrate No.II,
Virudhunagar.
- 2.The Inspector of Police,
Commercial Crime Investigation Wing,
(CCIW-CID)
presently Economic Offences Wing,
Virudhunagar.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.16824 of 2024

Dated: 03.10.2024