



Crl.O.P.(MD)No.16662 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16662 of 2024

S.Ramdoss

... Petitioner

Vs.

L.N.Nithyanandam

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Chief Judicial Magistrate, Pudukottai to hear and dispose of the case in S.T.C.No.222 of 2022 expeditiously.

For Petitioner : Mr.K.S.Kathiravan

For Respondent : Mr.P.Chandrasekaran

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the Chief Judicial Magistrate, Pudukottai to expedite the trial and to dispose of the case in S.T.C.No. 222 of 2022 within the time stipulated by this Court.



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2. It is seen from the records that this Court on 01.10.2024 considering the submission made by the learned counsel appearing for the petitioner that the case is pending for two years, in the open Court, has dictated an order directing the trial Court to dispose of the case within a period of six months from the date of receipt of a copy of the order. Before releasing of that order, the learned counsel appearing for the respondent submitted that the matter may be taken for being mentioned so as to enable him to submit his arguments and hence, this case is posted today under the caption “for being mentioned”.

3. When the matter is taken up for hearing today, the learned counsel appearing for the respondent would submit that this Court in Crl.O.P.(MD)No.21437 of 2022 has quashed the case in S.T.C.No.222 of 2022 vide order dated 28.06.2023, that the petitioner has preferred an appeal in Crl.A.No.1435 of 2024 before the Hon'ble Supreme Court and the Hon'ble Supreme Court by its order dated 07.03.2024 has set aside the order passed by this Court in Crl.O.P.(MD)No.21437 of 2022 dated 28.06.2023, that subsequently, the respondent has preferred a review petition in Diary No.18195 of 2024 and the same was pending before the



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Hon'ble Supreme Court and that the petitioner, by suppressing the pendency of the review petition, has filed the present petition and obtained orders and has filed a memo before the trial Court stating that this Court vide order dated 01.10.2024 had directed the trial Court to dispose of the STC within a period of six months. He would further submit that subsequently the Hon'ble Supreme Court has dismissed the review petition on 17.10.2024.

4. The learned counsel appearing for the respondent would further submit that the petitioner has committed perjury and the respondent may be permitted to invoke contempt proceedings against the petitioner. But this Court is not in agreement with the said contention, since the petitioner has mentioned about the disposal of the appeal and sought for early disposal of the case and this Court has dictated an order directing the trial Court to dispose of the case within a period of six months. Admittedly, the petitioner has not taken any adverse order against the respondent and only obtained order for early disposal of the case. Hence, this Court is of the view that invoking of contempt of court as of now does not arise. Accordingly, the learned Chief Judicial Magistrate,



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Pudukkottai is directed to dispose of the case in S.T.C.No.222 of 2022 within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, the Criminal Original Petition stands disposed of.

22.10.2024

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

To
1.The Chief Judicial Magistrate,
Pudukkottai.



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K.MURALI SHANKAR,J.

csn

Order made in
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Dated: 22.10.2024