



Crl.O.P.(MD)No.17052 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17052 of 2024

1.Manoharan

2.Paratheep

3.Sivanthi

4.Velmurugan

... Petitioners

Vs.

1.State of Tamil Nadu, rep. by
The Inspector of Police,
Suchindrum Police Station,
Kanyakumari District.
(Crime No.133 of 2023)

2.Mohan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the Judicial Magistrate No.III, Nagercoil to dispose the
S.T.C.No.1450 of 2023 on the file of the Judicial Magistrate No.III,
Nagercoil within a time stipulated by this Court.



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For Petitioners : Mr.R.Murugan

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the learned Judicial Magistrate No.III, Nagercoil to expedite the case in S.T.C.No.1450 of 2023 and dispose of the same as expeditiously as possible within a time that may be stipulated by this Court.

2. Since the petition is filed for early disposal of the case, issuance of notice to the second respondent is not necessary.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

4. It is evident from the records that on the basis of the complaint given by the second respondent, FIR came to be registered in Crime No. 133 of 2023 and after completing the investigation, final report came to



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be filed and the same was taken on file in S.T.C.No.1450 of 2023 for the offences under Sections 341, 294(b), 323 and 506(1) IPC against the petitioners and is pending on the file of the Judicial Magistrate No.III, Nagercoil.

5. The learned counsel appearing for the petitioners would submit that the first petitioner is suffering from several ailments, that the petitioners 2 and 4 are having their avocation outside the jurisdictional Court and the third petitioner is a old age woman, that they are having great difficulty in attending the case and that the case is posted for trial from the year 2023.

6. The fact remains that, the charge sheet has been filed in the year 2023. 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



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give any direction to dispose of the case within the specified period of time.

7. 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.

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

04.10.2024

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

To

1.The Judicial Magistrate No.III,
Nagercoil.

2.The Inspector of Police,
Suchindrum Police Station,
Kanyakumari District.



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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.17052 of 2024

Dated: 04.10.2024