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Crl.O.P.(MD)No.18828 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18828 of 2024

Gnanaraj : Petitioner

Vs.

The Inspector of Police
Dindigul Taluk Police Station
Dindigul District : Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Judicial Magistrate No.I, Dindigul to expedite and complete the process of committal proceedings in P.R.C.No.35 of 2024 pending on the file of the learned Judicial Magistrate No.I, Dindigul in connection with Cr.No.347 of 2024 on the file of the respondent police within the stipulated time that be fixed by this Court.

For Petitioner : Mr. P.Krishnasamy
For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.I, Dindigul to expedite and complete the process of



committal proceedings in P.R.C.No.35 of 2024 pending on the file of the learned Judicial Magistrate No.I, Dindigul in connection with Cr.No.347 of 2024 on the file of the respondent police within the stipulated time that be fixed by this Court.

2. This Court on 07.11.2024 has observed as follows:

“ The petitioner/defacto complainant had lodged a complaint to the respondent police with regard to the murder of his brother and in this regard, case in Crime No.347 of 2024 was registered for the offence under Sections 147, 148, 120(B), 341, 294(b) and 302 of IPC. On conclusion of investigation, charge sheet has been filed against nine persons. At the time of filing charge sheet, A7 was shown as absconding accused and A8 and A9 were shown as juveniles. The contention of the petitioner is that A7 is very much available in the village and earlier, he had filed an anticipatory bail application before this Court and this Court had dismissed the same. Despite dismissal of the anticipatory bail application, the respondent police have not taken any steps. According to the petitioner, the police are complacent with A7 and hence, there are not executing the NBW issued by the lower Court against A7. He further referring to the case status submitted that in this case after conclusion of investigation, charge sheet has been filed in PRC.No.35 of 2024 on 29.08.2024. Thereafter, the case was adjourned to 29.08.2024. Pending summon, the case was adjourned to



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04.09.2024. From 04.09.2024 to 17.09.2024, 17.09.2024 to 18.09.2024, 18.09.2024 to 19.09.2024, 19.09.2024 to 01.10.2024, 01.10.2024 to 15.10.2024, 15.10.2024 to 29.10.2024 except A7, all the other accused were present before the lower Court. For non-appearance of A7, the case could not be committed and FIR has been stalled, for that reason only, he has filed the above petition.

2.The learned Additional Public Prosecutor would submit that within a period of three months, after the occurrence, charge sheet has been filed and the same has been taken on file as PRC No.35 of 2024. The respondent police were very alert in conducting the investigation and concluding the investigation and filed a charge sheet and the same was taken on file. Since A7 failed to appear before the lower Court, NBW has been issued. He further submitted that all efforts have been taken to secure A7.

3.Post this matter on 26.11.2024”.

2. In continuation to the earlier order dated 07.11.2024, the learned Additional Public Prosecutor submitted that now A7 has been arrested and case has been committed to the Court of Sessions. In this case there are 20 witnesses and the case would be completed within the stipulated time and the prosecution would produce the witnesses as and when directed by the trial Court without any delay.



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3. Recording the same, the Criminal Original Petition stands closed.

18.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police
Dindigul Taluk Police Station
Dindigul District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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