



Crl.O.P.(MD)No.19292 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19292 of 2024

K.V. Ushakumari

.. Petitioner

Vs.

The State of Tamilnadu
Rep. by the Inspector of Police,
City Crime Branch,
Tirunelveli City.
Crime No.22/2020.

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to direct the Judicial Magistrate Court No.I, Tirunelveli, to expedite the disposal of the case in C.C.No.64/2022 in Crime No. 22/2020 on the file of the respondent and to dispose the same within the time stipulated by this Court.

For Petitioner : Mr.T.Selvan

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the Judicial Magistrate Court No.I, Tirunelveli, to expedite the disposal of the case in C.C.No.64/2022 in Crime No. 22/2020 on the file of the respondent and to dispose the same within the time stipulated by this Court.



2. The petitioner / defacto complainant on her complaint, a case in Crime No.22 of 2020 registered against one Abdulla, for the offence under Sections 406, 418, 420 I.P.C. The gist of the case is that the said Abdulla had claimed that he is running a Perfect Multi Solution Pvt. Ltd, further, his business and there are lot of investments from Abroad and he promised that he would pay huge returns for the investments made. The petitioner had also deposited investments acknowledging through Bank from the year 2009-2011 to a tune of Rs.14,82,030/-. Further, he had also directed the petitioner and other investors to other depositors to sent amount of Rs.8,17,970/- in the name of one Sridhara to Axis Bank Account, Bangalore, and around more than Rs.23,00,000/- have been misappropriated and cheated by the accused.

3. Thereafter, the said Abdulla was arrested, investigation conducted and during investigation, L.W.1 to L.W.12 examined and L.D.1 to L.D.33 seized and final report filed and the same was taken on file in C.C.No.64 of 2022 by the Judicial Magistrate No.I, Tirunelveli.

4. Though the charge sheet was filed on 25.01.2022, thereafter, it was taken on file, for appearance of the said Abdulla, the case was posted



periodically on several hearing, on 06.09.2024 and on 24.10.2024, the accused had appeared and thereafter the case has been now posted to 19.12.2024 regarding copies to be issued.

5. The apprehension of the petitioner is that the respondent police is not showing reasons in prosecuting the case against the said Abdullam during the investigation, since there was laxity, the petitioner filed a Petition in Crl.O.P.(MD)No.10495 of 2021, seeking to complete the investigation in Crime No.22 of 2022, and this Court by order dated 03.08.2024, directing the respondent to complete the investigation and to file a final report within one month. Thereafter only, charge sheet has been filed, now, the respondent police showing laxity.

6. The learned Additional Public Prosecutor, on instructions, would submit that there are only 12 witnesses in this case and already investigation completed and produce the witnesses without delay be completed. The trial Court had given the adjournment for long date and hence the respondent police cannot be followed with.



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7. Considering the submissions, it is seen that in this case, the offence of the year 2022, now, it is almost two years over and the case is kept pending at the stage of copies and adjourned to 19.12.2024. If already copies furnished, charges to be framed, otherwise 207 proceedings to be completed without further delay and thereafter, the trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this order. In the event of the said accused in this case adopting diluting tactics, the trial Court to take coercive action including to keep the accused in custody and to complete the trial.

8. With the above directions, this Petition is disposed of.

11.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
LS



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To

- 1.The Judicial Magistrate No.I,
Tirunelveli
2. Inspector of Police,
City Crime Branch,
Tirunelveli City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

LS

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