



Crl.O.P.(MD)No.19573 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19573 of 2024

G.Gopinath

.. Petitioner

Vs.

1. The Sub Inspector of Police
Kumbakonam Taluk Police Station
Thanjavur District

2. Vignesh

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS directing the learned Judicial Magistrate II, Kumbakonam to expedite the trial in C.C.No. 9 of 2024 within a stipulated time as fixed by thsi Hon`ble Court

For Petitioners : Mr.D.R. Murugesan

For Respondents : Mr.A.Thiruvadikumar
No.1 Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to direct the learned Judicial Magistrate II, Kumbakonam to expedite the trial in C.C.No. 9 of 2024 within a stipulated time as fixed by thsi Hon`ble Court

2. The petitioner is an accused in C.C. No.9 of 2024 facing trial for the offences under Sections 294(b), 324 and 506(ii) of IPC. The contention of the petitioner is that the petitioner has been falsely implicated in this case Infact it is the defacto complainant who has got history of having criminal cases against him. He has filed a false complaint and the respondent police has not conducted proper enquiry and filed final report. The alleged occurrence said to have place on 05.10.2020 but the charge sheet was filed on 26.06.2021 and thereafter the case was taken on file and CC number assigned only in the year 2024. At each stage the case has been delayed. The petitioner completed his degree and due to the pendency of this case he is unable to get employment since the above casae reflects which is in public domain. In this case charge sheet was filed on 19.07.2023, CC number assiged on 06.01.2024 and thereafter it was listed for hearing on 26.02.2024 and it was again adjourned to 22.04.2024 and once again adjourned to 01.07.2024 again to 21.08.2024



and again to 29.02.2024 and now the case stands posted to 08.01.2025. He would further submit that A1 is none other than brother of the petitioner and now they are ready to appear before the trial Court but summons have not been served by the respondent police and the case has been periodically adjourned. The petitioner got details from the online e.filing status report. He further submitted that on 08.01.2025 both the petitioner and his brother are ready to appear before the trial Court and trial Court to complete the trial within the stipulated period. There are only eight witnesses in this case.

3. The learned Additional Public Prosecutor submitted that the petitioner so concerned about the adjournment of the case but had not taken any steps to appear before the trial Court and file a petition showing their appearance. The brother of the petitioner now coming to know about the case can very well appear before the trial Court mark his presence , receive copies and participate in the trial, cross examine the witnesses without delay. As regards the respondent police they are ready to produce the witnesses without any further delay and in any event the entire trial will be completed within a period of six months.



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4. In view of the same, there shall be a direction to the learned Judicial Magistrate II, Kumbakonam to expedite the trial in C.C.No. 9 of 2024 and dispose of the case within a period of six months from the date of receipt of a copy of this order.

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

13.11.2024

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

1. The Judicial Magistrate II, Kumbakonam
2. The Sub Inspector of Police
Kumbakonam Taluk Police Station
Thanjavur District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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