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Crl.O.P.(MD)No.21868 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21868 of 2024

S.Anbarasu

.. Petitioner

Vs.

1. The Inspector of Police
District Crime Branch
Madurai District

2. Kathigayeni

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Judicial Magistrate I, Madurai to dispose the C. C.No. 211/2022 on the file of learned Judicial Magistrate Court No.I, Madurai at earliest point of time.

For Petitioner	: Mr.V.N.Arun for Mr.N.Valli Nayagam
For Respondents No.1	: Mr.A.Thirvadi Kumar Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to direct the the learned Judicial Magistrate I, Madurai to dispose the C. C.No. 211of 2022 at the earliest.

2. The petitioner as defacto complainant lodged complaint with the respondent police and a case has been registered in Crime No.42 of 2019 and the second respondent is the accused in the case. After investigation charge sheet has been made ready on 24.03.2022 and the same was taken on file on 16.11.2022 in CC No. 2115 of 2022. Thereafter the case has been kept pending for one reason or other. Though it was initially adjourned for serving of summons to the accused for almost five hearing on 03.08.2024 the accused appeared and advocate has field his appearance for accused and the case was posted for framing of charges and posted to 12.09.2023. On 12.09.2023 the accused was absent and 317 Cr.P.C petition filed and the case was adjourned to 13.10.2023 for framing of charges. Again the accused got absent and the case was adjourned to 19.11.2023. Thereafter another advocate filed vakalath and the case was adjourned to 06.12.2023. On 06.12.2023 discharge petition has been filed under Section 239 of Cr.P.C and the case has been kept periodically



pending in CMP for almost 11 hearings from month to month and thus the case has been kept pending from year 2019 without any progress and hence the defacto complainant has filed the present petition.

3. The learned Additional Public prosecutor submitted that in this case the prosecution after registering First Information Report has filed charge sheet in the year 2022 listing 9 witnesses and producing documents. Thereafter the accused had filed discharge petition and the trial court is periodically adjourning the discharge petition. The Assistant Public Prosecutor before the trial Court is ready for argument in the discharge petition and the counsel for the accused is taking time. As regards the prosecution they are ready to argue and they are also ready to produce the witnesses without any delay There are only nine witnesses and the entire trial can be completed within a period of three months.

4. It is seen that discharge petition is kept pending before the trial court from 06.12.2023 to 18.12.2024 for almost a year. In view of the same the trial Court is directed to dispose the discharge petition on 18.12.2024 without any further delay. Thereafter depending upon the order in the discharge petition, the trial court to frame charges and proceed with



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the trial and complete the trial within the period of four months in the event of the dismissal of the discharge petition.

12.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 17.12.2024

To

1. The Judicial Magistrate I, Madurai
2. The Inspector of Police
District Crime Branch
Madurai 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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