



Crl.O.P.(MD)No.21784 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21784 of 2024

Suganya

.. Petitioner

Vs.

The State of Tamil Nadu,
rep., through The Inspector of Police,
District Crime Branch,
Land Grabbing Special Wing,
Dindigul District.
Crime No.14 of 2016

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the Learned Judicial Magistrate Court No.II, Dindigul District, to complete the trial in CC No.573/2018 within the time stipulated by this Court.

For Petitioner	: Mr.K.Prabhu
For Respondent	: Mr.A.Thiruvadikumar Additional Public Prosecutor

ORDER

The petitioner/defacto complainant on whose complaint, case in Crime No.14 of 2016 came to be registered and after completion of investigation, charge sheet in CC.No.573 of 2018 filed before the learned



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Judicial Magistrate No.II, Dindigul. There are totally 6 accused and six witnesses to be examined in this case. The contention of the petitioner is that earlier the accused had filed quash petition before this Court in Crl.O.P(MD).Nos.3904 and 4088 of 2019, wherein this Court by order dated 10.02.2023 had dismissed the said petitions. Thereafter, this case has been kept pending. Initially, the case was adjourned for service of summon to the accused, till 31.05.2023, on the other hand, they had approached this Court by filing a quash petitions and the quash petitions were kept pending from the year 2019 and finally, they were dismissed on 10.02.2023. Thereafter only, they had appeared and initial proceedings was 07.06.2023 to 30.06.2023 and finally, charges were framed and thereafter, case has been posted for trial from 30.06.2023, after 10 hearings, the case is now posted on 11.12.2024. Hence, sought direction to complete the trial process without any further delay, since one of the witnesses had already expired.

2. The learned Additional Public Prosecutor, on instructions, would submit that delay is not on the part of the prosecution. The prosecution is ready to produce the witness individually. Initially, accused has filed quash petition. Citing that quash petition, case was pending, finally quash



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petition was dismissed. Further, earlier Presiding Officer was on pregnancy leave and hence, much progress could not be made. Now, the learned Magistrate has been posted under training and in-charge Magistrate is Judicial Magistrate No.I, who is already over burden and hence, the trial could not be proceeded.

3. Considering the above submission and perused the materials, it is seen that the learned Judicial Magistrate No.II, is on training and in-charge Magistrate i.e., Judicial Magistrate No.I, is already having over burden. In of the same, the case in CC.No.573 of 2018 pending on the file of the learned Judicial Magistrate No.II, Dindigul District, is hereby transferred to the file of learned Chief Judicial Magistrate, Dindigul District, who takes the case on file, proceed with the trial and complete the same, within a period of three months and report before this Court.

4. With the above direction, this Criminal Original Petition is disposed of.



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5. Post the matter 'for reporting compliance' on **18.03.2025**.

11.12.2024

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

Rmk

NOTE : Issue order copy on 13.12.2024

To

- 1.The Chief Judicial Magistrate, Dindigul District.
- 2.The Judicial Magistrate Court No.II, Dindigul District.
- 3.The Inspector of Police,
District Crime Branch,
Land Grabbing Special Wing,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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