



Crl.O.P.(MD) No.23299 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.23299 of 2023

Rajalingam

...Petitioner

VS

1.State represented by
The Inspector of Police,
All Women Police Station,
Kanniyakumari,
Kanniyakumari District.
(in Cr.No.15 of 2012)

2.Suekeha

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the learned Additional Mahila Court at Magisterial Level, Nagercoil, Kanniyakumari District to complete the trial and dispose of the case in C.C.No.117 of 2018 within a stipulated time as fixed by this Court.

For Petitioner : Mr.B.Michael Sebastin
For R1 : Mr.T.Senthil Kumar
Additional Public Prosecutor



Crl.O.P.(MD) No.23299 of 2023

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ORDER

The learned Counsel for the Petitioner submitted that he is seeking direction to the Trial Court, Additional Mahila Court (Magisterial level), Nagercoil, Kanniyakumari District, regarding early disposal of the case in C.C.No.117 of 2018.

2.The learned Additional Public Prosecutor submitted that prosecution witnesses were examined and the accused was examined under 313 Cr.P.C. Also, the learned Additional Public Prosecutor invited the attention of this Court to the case status, as furnished by the Petitioner in the Petition, wherein, it is reflected that the accused was examined under 313 Cr.P.C., on 14.07.2022. Subsequently, it is the Petitioner, who had been delaying the proceedings on the ground that he sought time with the learned Principal District Court, Kanniyakumari stating that he wanted time to furnish records regarding the settlement of the property in favour of his wife. Only due to the conduct of the Petitioner herein before the trial Court, the trial could not be completed within the time.



Crl.O.P.(MD) No.23299 of 2023

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3. When the case came up for hearing on an earlier, this Court had sought for report from the learned Judicial Magistrate, Additional Mahila Court, Nagercoil, Kanniyakumari, regarding the stage of the trial proceedings. Accordingly, the learned Judicial Magistrate, Additional Mahila Court, Nagercoil, Kanniyakumari, in letter D.No.1866 of 2023, dated 29.12.2023, had stated that only the accused had been delaying the trial.

4. The learned Judicial Magistrate, Additional Mahila Court, Nagercoil, Kanniyakumari, is directed to proceed with the case. If the accused does not cooperate with the trial, the learned Judicial Magistrate may cancel the bail granted to the accused and detain him in prison till the disposal of the case. The learned Judicial Magistrate is directed to follow the guidelines issued by the Hon'ble Supreme Court in ***P.KShaji vs State of Kerala*** reported in ***(2005)AIR SCW 5560*** regarding the conduct of the accused before the Trial Court. Also, the learned Judicial Magistrate shall follow the guidelines issued by the Hon'ble Supreme Court in the case of ***Vinod Kumar Sharma vs State of Punjab*** reported in ***2015 (1) MLJ (Crl)***



Crl.O.P.(MD) No.23299 of 2023

288 (SC) regarding the right of the accused to cross examine witnesses. If the accused had not exercised his right, when the witnesses were available and had not deposed evidence in examination in chief and had not crossed examined the witnesses and had taken liberty to file Petition under Section 311 of Cr.P.C., the same may be disposed of as per the guidelines. The Petitioner also is directed to cooperate with the trial Court.

5.The learned Judicial Magistrate, Additional Mahila Court, Nagercoil, Kanniyakumari, is directed to dispose of the case within a reasonable period of three months from the date of receipt of a copy of this order.

6.This ***Criminal Original Petition*** is dismissed accordingly.

Internet :Yes/No
Index :Yes/No

03.01.2024

cmr



Crl.O.P.(MD) No.23299 of 2023

To

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1.The Additional Mahila Court at Magisterial Level,
Nagercoil, Kanniyakumari District.

2.The Inspector of Police,
All Women Police Station,
Kanniyakumari,
Kanniyakumari District.



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Crl.O.P.(MD) No.23299 of 2023

SATHI KUMAR SUKUMARA KURUP, J.

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CRL.O.P (MD) No.23299 of 2023

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