



Crl.O.P.No.2011 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.2011 of 2025

J.Andal

... Petitioner

Vs.

1. The Commissioner of Police,
Tambaram Commissionerate,
Sholinganallur,
Chennai – 119.

2. The State represented by,
The Inspector of Police (Law & Order),
T15, Selaiyur Police Station,
Selaiyur, Chennai -73

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS,
to direct the Judicial Magistrate No.II, Tambaram to expedite the trial in
C.C.No.388 of 2022 on day-to-day basis within the stipulated period.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the Judicial Magistrate No.II, Tambaram to expedite the trial in C.C.No.388 of 2022 on day-to-day basis within the stipulated period.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents and perused the materials available on record.

3. The respondent police registered a case in Crime No.245 of 2022 against the accused for the offences under Sections 448, 294(b) and 323 of IPC and filed a charge sheet and the same was taken on file in C.C.No.388 of 2022 by the learned Judicial Magistrate No.II, Tambaram. Though the learned Magistrate had issued summons to the accused persons, the same has not been served on them by the respondent police so far and the case is pending due to non-service of summons from 11.01.2023 to 03.12.2024.



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4. When the matter was taken up for hearing on 28.01.2025, this Court directed the Investigating Officer to appear before this Court on 29.01.2025 at 2.15 pm.

5. It is represented by the learned Government Advocate (Criminal Side) appearing for the respondents that due to personal inconvenience, the Investigating Officer could not appear before this Court. Further, the learned Government Advocate on instructions submitted that summons were served to the accused persons on 28.01.2025, which shows that the respondent-Police has served the summons only after giving direction to appear the respondent-Police before this Court.

6. Hence, the Deputy Commissioner of Police, Tambaram is directed to take action against the Investigating Officer concerned, who has not served the summons for nearly 1 ½ years.



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7. Further, it is seen that the learned Judicial Magistrate No.II, Tambaram is also not insisting the respondent-Police to serve summons and simply adjourned the case mechanically for more than a year. Hence, the Registrar General is directed to call for an explanation from the said Magistrate and take appropriate action.

8. In such view of the matter, the learned Judicial Magistrate No.II, Tambaram is directed to expedite the trial and dispose of the case in C.C.No.388 of 2022 as early as possible.

9. With the abovesaid direction, this Criminal Original Petition is disposed of.

29.01.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The Judicial Magistrate No.II, Tambaram.
2. The Deputy Commissioner of Police, Tambaram
3. The Commissioner of Police,
Tambaram Commissionerate,
Sholinganallur,
Chennai – 119.
4. The Inspector of Police (Law & Order),
T15, Selaiyur Police Station,
Selaiyur, Chennai -73



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P.VELMURUGAN, J.

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