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CRL OP(MD) No. 11873 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP(MD) No. 11873 of 2025

Bishop Godfrey Washington Noble
S/o. Noble Thiyagarajan,
Bishop Bunglow, Itteri,
Palayamkottai Taluk,
Tirunelveli District.

Petitioner

Vs

State of TamilNadu, rep by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City, Tirunelveli.
(In Crime No. 728/2023)

Respondent

PRAYER

Criminal Original Petition is filed under Section 528 of BNSS, to issue a direction, directing the Judicial Magistrate No.I, Tirunelveli to expedite the Trial in pending CC.No.1287/2024 within the stipulated time.



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For Petitioner

Bishop Godfrey Washington

Noble

Party-in-person

For Respondent(s):

Mr.S.Vinoth Kumar

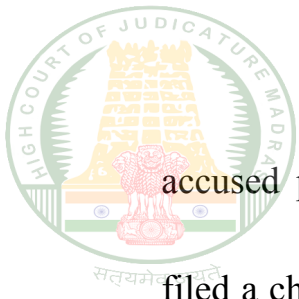
Government Advocate (Crl.Side)

ORDER

Criminal Original Petition has been filed seeking a direction to the Judicial Magistrate No.I, Tirunelveli to expedite the trial in CC.No.1287/2024 within the stipulated time.

2. Heard the petitioner/party-in-person and the learned Government Advocate (Crl.Side) appearing for the respondent-Police and perused the materials available on record.

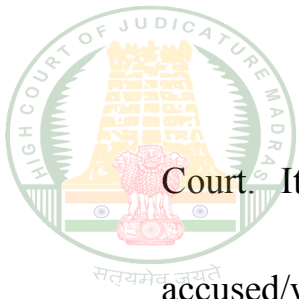
3. Based on the complaint made by the petitioner/de-facto complaint, the respondent-Police registered a case in Crime No.728 of 2023 for the offences under Sections 147, 294(b), 323, 506(part-1)) and 109 of the IPC as against the



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accused persons and after completion of investigation, the respondent-Police filed a charge sheet/final report and the same was taken on file in C.C.No.1287 of 2024 on the file of the Judicial Magistrate Court No.I, Tirunelveli. Though the learned trial Judge issued summons to the accused for their appearance on 04.11.2024, the respondent-Police did not serve summons and the matter is still pending at the stage of service of summons. According to the petitioner, the respondent-Police served the summons on the accused persons only on 21.07.2025 that too only after the direction issued by this Court in the earlier round of litigation on 21.7.2025.

4. In the meanwhile, A1 to A3 filed CrI.O.P.(MD) No.4065 of 2025 to quash the charge sheet filed in C.C.No.1287 of 2024 and they have also filed CrI.M.P.(MD) No.2868 of 2025 in CrI.O.P.(MD) No.4065 of 2025 seeking to stay all further proceedings in C.C.No.1287 of 2024 before this Court and stay was also granted by this Court on 14.3.2025. Subsequently, the stay was vacated and the said CrI.O.P.(MD) No.4065 was dismissed on 16.6.2025. Thereafter, the respondent-Police served summons only on the directions of this



Court. It is the duty of the prosecution to serve the summons on the accused/witnesses and proceed with the case in accordance with law, without any delay.

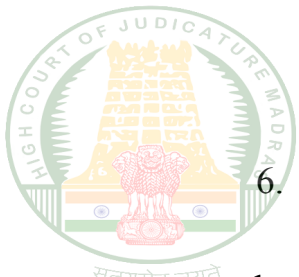
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5. Article 21 of the Constitution of India ensures the speedy trial which is the fundamental right of a person. Long pending cases would frustrate the object of the criminal jurisprudence. In most of the cases in the State of Tamil Nadu, some of the Police officials in the Police Department have taken time to discharge their duty depending upon the power of the parties/litigants and they are not even registering the case in time and some cases have been registered only after directions of the Courts/Magistrates. In some of the cases, even after registration of the case, the Investigating Officers/Police officials have not completed the investigation and filed the charge sheet within a reasonable time. In some cases, the Police officials are not serving the summons on the accused/witnesses and even after serving the summons, they have not produced the witnesses before the Court. In some of the cases, after completion of examination of the witnesses, due to non-co-operation of the Investigating



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Officers, the trial Court could not complete/conclude the trial within a reasonable time. Hence, the litigants are approaching this Court seeking direction for registration of the F.I.R, for completion of investigation and for filing charge sheet. This is the prevailing situation as on date in the State of Tamil Nadu. It shows the lethargic attitude of the officials in the Police Department. One way or the other, some of the Police officials have proceeded the case in pick and choose method. In some of the cases, they are threatening the witnesses from adducing evidence. In some of the cases, they are sailing with the accused and in some of the cases, they are sailing even with the complainant and hence, they are sailing on one side of the litigants. Although they are public servants, it is unfortunate to note that some officials extend their services solely to the influential individuals, rather than serving the public at large. Nowadays, people are losing faith on the Police Department because of their lethargic attitude. The public are slowly losing faith on the Judicial system also. Because of the non-co-operation of the Police Department, the Courts are also not able to dispose of the cases within a reasonable time and also not able to ensure the fair, free and speedy trial. This case is one of the classic example.



6. Some of the Police officials are without following any statutory procedures, sailing only with the powerful persons. Hence, the public are afraid of the Police, even for preferring the complaint before them, or even after filing of the complaint, they are afraid to come to the Court to adduce evidence. In all the pending cases in criminal side, it is very unfortunate to note that the Police is the primary cause for the delay and in one way or the other, they are adopting delaying tactics.

7. Today, when the matter is taken up for hearing, the petitioner appeared in person and also submitted that the accused persons are having political influence and one of the accused is an Advocate, who are threatening the petitioner from proceeding with the case. While such being the case, it is the duty of the Police to provide adequate protection to the complainant and also to the witnesses.

8. On a perusal of the records, it is seen that the Station House Officer, even after receipt of the summons from the Court on 4.11.2024, had not served



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the summons on the accused, till stay was granted by this Court during March 2025. Though the trial Court ordered summons on the accused, the respondent-

Police had not served the summons nearly for four months till some of the accused filed the criminal original petition before this Court. Further, there is no explanation offered by the respondent-Police for not serving summons on the accused for nearly four months. It is found that only after stay was vacated and that too, only after the intervention and direction of this Court dated 21.7.2025, the respondent-Police proceeded to serve the summons to the accused persons. Hence, the Director General of Police, Tamil Nadu is directed to take action against Mr. Thillai Nagarajan, who was the Station House Officer, who had not served the summons on the accused and file action taken report before this Court.

9. Further, the Director General of Police is directed to give instructions/directions to all the subordinates in the Police Department with regard to registering the case, filing of charge sheet, serving of summons and adducing evidence etc., When once the case is registered, it is the duty of the



Investigating Officer to complete the investigation within a reasonable time.

They have to ensure that the free and fair investigation and speedy trial.

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10. In view of the above facts and circumstances, the learned Judicial Magistrate No.I, Tirunelveli is directed to issue summons on all the accused in C.C.No.1287 of 2024 and he/she is also directed to issue summons for the appearance of the accused concerned before the trial Court on 09.09.2025. If the accused fail to appear on the particular day, the learned Magistrate is directed to issue warrant against the accused. On appearance of the accused, the trial Judge is directed to serve copies on them and also frame necessary charges within a period of one month after serving of the copies on the accused. Thereafter, trial shall be proceeded in C.C.No.1287 of 2024 and the case shall be disposed of in accordance with law.

11. The Special Bench / Special Court is constituted only for speedy disposal of the cases, that too, pending against the Member of the Parliament, Ex-Member of the Parliament, the Member of Legislative Assembly etc.,



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Hence, the learned Judicial Magistrate No.I, Tirunelveli is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. The respondent-Police is directed to extend their fullest co-operation for speedy disposal of the case in C.C.No.1287 of of 2024.

12. The Director General of Police, Tamil Nadu is directed to give directions to the Superintendent of Police/The Commissioner of Police, Tirunelveli, as the case may be, to give Police protection to the petitioner till the disposal of the case.

13. With the abovesaid directions, this criminal original petition is disposed of.

30-07-2025

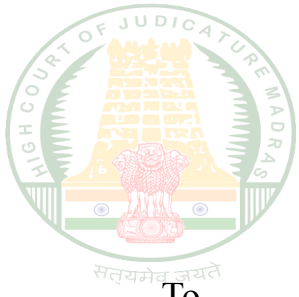
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. The Judicial Magistrate No.I,
Tirunelveli.
2. The Director General of Police,
Tamil Nadu
3. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City, Tirunelveli.
4. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J.

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