



Crl.O.P.(MD)No.557 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.557 of 2025

Sivakumar

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Avudaiyarkoil Police Station,
Pudukottai District.
Crime No. 168/2013.

2. Amit Sharma

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned District Munsif Cum Judicial Magistrate Avudaiyarkoil to complete the trial in C.C. NO. 10/2024 within the time stipulated by this Court.

For Petitioner : Mr.R.Prasanna
For Respondent : Mr.K.Sanjai Gandhi (R1)
Government Advocate(Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to direct the learned District Munsif Cum Judicial Magistrate Avudaiyarkoil to complete the trial in C.C. No. 10/2024 within the time stipulated time fixed by this Court.

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

3.It is case of the petitioner that based on the complaint lodged by the 2nd respondent, a case has been registered in Cr.No.168 of 2013 for the offence punishable under Sections 406, 420 IPC against the petitioner. The case of prosecution is that the petitioner was working as a Postal Assistant during the period from 18.06.2009 to 10.10.2011. During that period, on 04.05.2011, though the petitioner has endorsed for the receipt of a sum of Rs.8,550/- from various RD accounts holders, he has not deposited the same in their RD accounts. Due to which, the petitioner was suspended on 16.11.2011. Thereafter, the said amount was recovered from the petitioner and the same was deposited into the respective RD



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accounts. After the completion of investigation, final report was filed by the respondent police and the same was taken on file in C.C.No.30 of 2014 on the file of Judicial Magistrate, Aranthangi, thereafter, transferred to District Munsif cum Judicial Magistrate, Avudaiyarkoil and renumbered as CC No.10 of 2024. In this case, so far trial has not been commenced and no witness has been examined. Hence, seeking speedy trial this petition has been filed.

4.The learned Additional Public Prosecutor submitted that the trial could not be commenced for one reason or other. Further, there was lock-down due to Covid-19 and the witnesses could not be secured immediately. Now, the case is posed for examination of LW1 to LW3 on 28.01.2025. The respondent police will ensure to produce the witnesses on that day. In this case, there are totally 7 witnesses, in which, two witnesses are official witnesses. The respondent police would take effective steps to conclude the trial within a period of four months.

5.Considering the averments made on either side, it is seen that though the offence has taken place in the year 2013, as of now, even one witness has been examined by the prosecution. Considering the long



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pendency of the case from the year 2013, the respondent police is directed to produce the witnesses before the trial Court on 28.01.2025 and assist the Court to complete the trial process. The trial Court is directed to dispose of the case in CC No.10 of 2024 preferably, within a period of four months from the date of receipt of copy of this order.

6.With the above directions, this Criminal Original Petition stands disposed of.

10.01.2025

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

To

1. The District Munsif cum Judicial Magistrate, Avudaiyarkoil

2.The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukottai District.
Crime No. 168/2013.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

PNM

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