



Crl.O.P.(MD)No.1030 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1030 of 2025

Ganesan

... Petitioner

Vs

The State of Tamilnadu,
Rep By, The Inspector of Police,
EOW II Madurai.
Cr.No.63 of 2000.

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the Learned Judicial Magistrate V, Madurai to expedite trial in C.C.No.48 of 2016 (Old C.C.No.575/2001) in Cr.No.63 of 2000 within stipulated time fixed by this Court.

For Petitioner : Mr.B.Kumaresan

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the direct the learned Judicial Magistrate V, Madurai to expedite trial in C.C.No.48 of 2016 (Old C.C.No.575/2001).



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2.The contention of the petitioner is that earlier, the case has been filed in CC No. 575 of 2001 and charge sheet has been filed. After trial, it was ended in acquittal, against which, a revision has been filed before this Court in Crl.R.C(MD) No.83 of 2010 and the revision was allowed and remitted back to the trial Court for fresh trial. In the meanwhile, the case was transferred and renumbered as CC.No.48 of 2016. On the side of respondent police, a petition in Cr.M.P.No.2661 of 2014 was filed and without deciding the same, the trial Court once again rendered judgment of acquittal, against which, an appeal was preferred by the petitioner and the appellate Court once again remitted back the matter to the trial Court to decide the matter in Cr.M.P.No.2661 of 2014 before pronouncing judgment. The respondent police filed a petition in Cr.M.P.No.4257 of 2022 to reopen the case and the same was allowed on 21.04.2023. Thereafter, the trial Court adjourned the case continuously without valid reasons. The petitioner has filed a petition before this Court in Crl.O.P(MD) No.1179 of 2024 seeking for speedy disposal and the same was allowed on 20.02.2024. Against the order passed in Cr.M.P.No. 2661 of 2024, the accused person has preferred a revision before the Sessions Court in Crl.R.C.No.14 of 2024 and the same is pending. The case is pending for 24 years. Hence, seeking speedy disposal the present



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petition has been filed.

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3.The learned Additional Public Prosecutor appearing for the respondent police has not denied the contentions raised by the petitioner. Now the case is posted for trial on 21.03.2025 for examination of witnesses.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police and perused the materials available on record.

5.It is seen from the records that though the case was remanded back to the trial Court for deciding the matter afresh, for the past nine months there is no progress in the trial. The revision preferred by the accused in Crl.R.C.No. 14 of 2024 is pending before the Sessions Court and posted on 18.02.2025. Now the trial Court citing the revision, has not proceeded with the case. However, there is no impediment for the trial Court to proceed with the trial. In this case, there are only seven witnesses.



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6. In view of the same, the trial Court is directed to suo-motu advance the hearing in this case and issue notice to the accused, through the respondent police and the respondent police is directed to ensure the presence of the accused on the date of advance hearing without giving any reasons. The trial Court is directed to proceed with the trial and complete the trial within a period of four months from the date of receipt of copy of this order and also borne in mind the directions given by this Court to conduct the case on day-to-day basis.

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

22.01.2025

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

To

1. The Judicial Magistrate No.V, Madurai

2. The Inspector of Police,
EOW II Madurai.
Cr.No.63 of 2000.

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



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M.NIRMAL KUMAR,J.

PNM

ORDER IN
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