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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.811 of 2025

Kanagaraj ... Petitioner

Vs

The Inspector of Police
Anti land Grabbing Special Cell,
Tirunelveli District. ... Respondents
(In Crime No: 76 of 2011)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to direct for speedy disposal of the case pending in C.C.No.234 of 2020 On the file of the Judicial Magistrate Court No.1, Tirunelveli within a stipulated time that is fixed by this Court.

For Petitioner : Mr. P.Ponraj

For Respondents : Mr.A.Thiruvadikumar(R1 to R3)
Additional Public Prosecutor

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ORDER

This Criminal Original Petition has been filed to direct for speedy disposal of the case pending in C.C.No.234 of 2020 on the file of the Judicial Magistrate Court No.1, Tirunelveli.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents police. Perused the materials available on record.

3.It is case of the petitioner that based on the complaint lodged by the petitioner, a case has been registered in Cr.No.76 of 2011 for the offence punishable under Sections 465, 467, 468, 169 IPC @ 120(b), 420, 423, 465, 467, 468, 506 IPC against the accused persons. After completion of investigation, final report has been filed before the Judicial Magistrate No.I, Tirunelveli and the same was taken on file as CC No.234 of 2020. Thereafter, the case was adjourned for service of summons from 20.05.2020 to 08.06.2023, for a period of three years. Thereafter, from 08.06.2023 to till date, the case has been adjourned by recording that there is a stay of all proceedings.

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4.The learned counsel for the petitioner submitted that in this case the accused persons had filed quash petition before this Court in Crl.O.P(MD) No.13972 of 2024 and the same was dismissed by this Court. However, this Court has dispensed with the personal appearance of the accused persons and not granted any stay of proceedings. The case has been adjourned without any valid reason.

5.The learned Additional Public Prosecutor submitted that in this case, on completion of investigation, charge sheet has been filed by the respondent police without any delay. The quash petition filed by the accused persons also dismissed by this Court on 20.02.204 and there is no stay of proceedings as on date. In this case, there are 26 witnesses and the respondent police will produce the witnesses as and when required by the Court.

6.It is seen from the records that the occurrence took place in the year 2011 and the final report has been filed before the concerned Court in the year 2020, with a delay of 9 years, thereafter, the case was adjourned for a period of three years for service of summons and again

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adjourned by stating that there is a stay of further proceedings. Even after lapse of 13 years from the date of occurrence, the trial has not been commenced, which is not proper. In this case, there are totally 26 witnesses. The respondent police will ensure to produce the witnesses on the date fixed by the Court below. The respondent police would take effective steps to conclude the trial within a stipulated period fixed by this Court.

7.In view of the above, the trial Court is directed not to give any long adjournment and complete the trial in CC No.234 of 2020 within a period of 9 months from the date of receipt of copy of this order. It is made clear that the period of nine months is only a outer time limit. If the accused persons are adopting any dilatory tactics to prolong the trial, the trial Court shall initiate coercive action against the respondent.

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

24.01.2025

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

To
1.The Judicial Magistrate No.I, Tirunelveli

2.The Inspector of Police
Anti land Grabbing Special Cell,
Tirunelveli District.

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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