



Crl.O.P.(MD) No. 2386 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD) No.2386 of 2025

R.Gunasekaran

... Petitioner

Vs.

The State of Tamil Nadu
Represented by the Inspector of Police,
District Crime Branch,
Theni.
(Crime No.17 of 2018)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the learned Judicial Magistrate, Theni to complete the trial in C.C.No.339 of 2023 within the time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan

For Respondent : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the learned Judicial Magistrate, Theni to complete the trial in



Crl.O.P.(MD) No. 2386 of 2025

C.C.No.339 of 2023 within a time stipulated by this Court.

WEB COPY

2. According to the petitioner, he is the defacto complainant. In this case, the mother of the petitioner was impersonated and created a power deed and thereby, he lodged a complaint. Based on his complaint, the respondent police registered an F.I.R in Crime No. 17 of 2018 and thereafter, now the case is pending in C.C.No.237 of 2019 before the Judicial Magistrate, Theni. So far, no trial has been commenced and the petitioner is aged about 72 years and therefore, he prayed for speedy disposal by fixing time.

3. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondent would submit that based on the complaint given by the defacto complainant, they registered a case in Crime No.17 of 2018 and thereafter, they filed charge sheet and the same was taken on file in C.C.No.237 of 2019. At the time of registering F.I.R, the case was pending before the Land Grabbing Court and thereafter, based on the judgment of the Hon'ble Division Bench of this Court, G.O. for constitution of Land Grabbing Court was quashed and the same was confirmed by the Hon'ble Supreme Court, thereby, the case has been



Crl.O.P.(MD) No. 2386 of 2025

transferred to the concerned jurisdictional Court and renumbered as C.C.No.339 of 2023. Now, it is pending before the Judicial Magistrate, Theni and Non Bailable Warrant (NBW) is pending also against the Accused No.1 / Renuka and Accused No.7 / Sankar Ayyanar. Therefore, the trial has not been commenced.

4. Head both sides and perused the materials on records.

5. Based on the complaint given by the petitioner, F.I.R has been registered in the year 2018 and the case has been taken on file in C.C.No. 237 of 2019 before the Land Grabbing Court. Thereafter, based on the Judgment of the Hon'ble Division Bench of this Court, the G.O. for Land Grabbing Court was quashed and the same was also confirmed by the Hon'ble Supreme Court, the case has been transferred to jurisdictional Magistrate and taken on file as C.C.No.339 of 2023 and now the case is pending. According to the respondent, Non Bailable Warrant (NBW) is pending against the A1 and A7 and therefore, they are unable to proceed with the case. Since the case is pending from 2018, it is appropriate to direct the learned Magistrate to complete the trial proceedings within a stipulated time and the respondent police is also directed to execute the



Crl.O.P.(MD) No. 2386 of 2025

Non Bailable Warrant (NBW) pending against the A1 and A7 within 15 days. Otherwise, the learned Magistrate can take appropriate steps to split up the case against whom the Non Bailable Warrant (NBW) is pending and conduct the case in accordance with law without giving any long adjournments as early as possible preferably within four months from the date of receipt of this order.

6. In view of the above said observations and directions, this Criminal Original Petition is disposed of. No costs.

07.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
mac



WEB COPY



Crl.O.P.(MD) No. 2386 of 2025

P.DHANABAL, J.

mac

To

1. The Judicial Magistrate, Theni
2. The Inspector of Police,
District Crime Branch,
Theni.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD) No.2386 of 2025

07.02.2025