

Sl No. 14

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P.O.C.No.671/2006/RG/F1

CIRCULAR

Sub: Cases – Criminal Cases – certain directions issued by the Hon'ble Division Bench, Madurai Bench of Madras High Court, consisting of the Hon'ble Thiru Justice P.D.Dinakaran and the Hon'ble Thiru Justice M.E.N.Patruadu – Rule 184 of Criminal Rules of Practice (Madras) to be strictly complied without any deviation - Direction issued – Regarding.

Ref: Order dated 09/03/06 in CrLMP.No.6589/2005 in Criminal Appeal (MD).SR.No.21359/2005 on the file of the Madras High Court Madurai Bench.

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It is informed that it was brought to the Notice of Hon'ble Court that the presiding officers of the Criminal Court are not following the Rule 184 of the Criminal Rules of Practice (Madras).

The Unit heads of the Districts are heroby instructed to take immediate steps and give necessary directions to all the Criminal courts to comply with Rule 184 of the Criminal Rules of Practice (Madras), strictly, without any deviation.

Any deviation, in following the above instructions will be viewed seriously.

HIGH COURT, MADRAS  
DATED:18/09/2006

Sd/- S.Palanivelu  
REGISTRAR GENERAL

/True Copy/Forwarded/By Order/

DEPUTY REGISTRAR(GROUPING) i/c  
O/O the Chief Judicial Magistrate, Madurai.  
Dated: 22.9.2006.

Roc.No.5706/06/A1

Copy communicated to A.C.J.M. Madurai and All Judicial Magistrates of Madurai District along with High Court order. They are required to comply with Rule 184 of the Criminal Rules of Practice (Madras) strictly.  
Copy to: Head Clerk, MC Branch Chief Judicial Magistrate court, Madurai.

CHIEF JUDICIAL MAGISTRATE  
MADURAI.

D.No. 3326  
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22.9.06

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
(CRIMINAL JURISDICTION)

Thursday, the Ninth day of March, Two Thousand Six

PRESENT:

THE HONOURABLE MR. JUSTICE P.D. DINAKARAN.

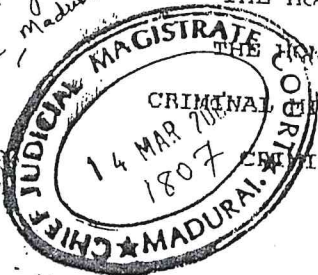
AND

THE HONOURABLE MR. JUSTICE M.E.N. PATRUDU.

CRIMINAL MISCELLANEOUS PETITION (MD) No. 6589 of 2005

IN

CRIMINAL APPEAL (MD) SR.No.21359 of 2005



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THE STATE REP. BY  
THE INSPECTOR OF POLICE,  
MOONDRADAIPPU POLICE STATION,  
TIRUMELVELI DISTRICT.  
CR.No.140 of 1998.

(PETITIONER/APPELLANT IN  
CEL.A.SR.No.21359/2005  
SOUGHT TO BE PREFERRED ON  
THE FILE OF THIS COURT)

vs.

1. POOLPANDI.
2. THANGAVEL.
3. MADASAMY.
4. MUTHIAH.
5. MURUGAN.  
S/o. USALEANI @ VENEATCHALA THEVAR.
6. MURUGAN @ MURUGESAN.  
S/o. MUTHIAH @ ICE MUTHIAH THEVAR.
7. MURUGAN.  
S/o. KAMBIAN THEVAR.
8. KAMBIAN.

(RESPONDENTS/RESPONDENTS  
IN --DO--)

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Petition praying that in the circumstances stated therein, the High Court will be pleased to condone the delay of 249 days in filing the Appeal against the order of acquittal passed in S.C.No.130 of 1999 dated 28.12.2004 on the file of the Additional Sessions Judge (Fast Track Court No.1), Tirunelveli.

ORDER:- This petition coming on for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.Chellepandian, Additional Public Prosecutor, on behalf of the State, the Court made the following Order:-

(Order of this Court was made by P.D. DIMAKARAM, J.)

This petition is to condone the delay of 249 days in filing the above appeal by the State against the judgment of acquittal passed in S.C.No.130 of 1999, dated 28.12.2004 on the file of the learned Additional Sessions Judge, Fast Track Court No.1, Tirunelveli, on the main ground that the copy of the said judgment was not furnished to the State.

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2. When the matter came yesterday, viz., 08.03.2006, we gave a direction to the Registry to verify whether the free copy of the judgment dated 28.11.2004 in S.C.No.130 of 1999 on the file of the learned Additional Sessions Judge, Fast Track Court No.1, Tirunelveli was furnished to the State as contemplated under Rule 184 of the Criminal Rules of Practice (Madras), which reads as follows:

"Rule 184. Distribution of copies of judgments:-

(1) Court of Session shall within eight days from the date of pronouncing judgment, distribute copies of all their judgment as follows, a sufficient number of copies being printed for the purpose of each case:-

(1) One copy for the Collector of the District and one copy for the District, Divisional and Committing Magistrate.

(11) (a) In the Districts - One copy for the use of the Superintendent of Police and his subordinates and

One copy for the use of the Assistant Public Prosecutor, Grade-I and the Assistant Public Prosecutor, Grade-II.

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(b) x x x x x x x x x x

(iii) to (xvii) x x x x x x x x x x  
(emphasis supplied)

3. It is reported by the Registry that the said Rule 184 of the Criminal Rules of Practice (Madras), has not been complied with in the instant case. Hence, the delay is condoned with a further direction to the Registry to give instructions to all the Unit Heads of the Districts to take immediate steps and give necessary directions to all the Criminal Courts to comply with Rule 184 of the Criminal Rules of Practice (Madras), strictly, without any deviation.

Sd/-  
Asst. Registrar (C.O.)

True Copy

*[Handwritten signature]*  
10.3.06

Sub-Asst. Registrar. (C.S.)  
Madurai Bench of the Madras High Court, Madurai - 625 023

To. Rec.No.1807/06-A1. Office of the Chief  
Judicial Magistrate,  
Madurai.

1. THE ADDL. SESSIONS JUDGE,  
FAST TRACK COURT No.1,  
TIRUNELVELI. Copy communicated to MC Branch, CJM  
Court, Madurai, ACJM, Madurai and all  
other Judicial Magistrates of Madurai  
District.

Chief Judicial Magistrate,  
Madurai.

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