

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.07.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.10440 of 2015

P.Anbu

... Petitioner

Vs

State represented by
Inspector of Police,
Crime Branch CID,
C.C. Wing, Chennai.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the XI Metropolitan Magistrate to dispose the case in C.C.No.9216 of 2010 on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai-15.

For Petitioner : Mr.R.Chakkaravarthy
For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

This petition has been filed to direct the learned XI Metropolitan Magistrate to dispose the case in C.C.No.9216 of 2010 on the file of the learned XI Metropolitan Magistrate Court, Saidapet, Chennai-15.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. This Court, called for a report from the learned XI Metropolitan Magistrate and a report dated 06.06.2015 has been received, wherein, in paragraph No.3 and 5, the learned Magistrate has stated as follows :

"3.I submit that, after taking the case on the file of XI Metropolitan Magistrate Court on 23.08.2010, it was ordered for issuance of summons to witnesses LW11 to LW15. The production of witnesses was awaited since 20.10.2010 upto 07.11.2013. In meantime, on 27.07.2011, it was informed that, 'B' properties marked as MO1 to MO5 in B.No.716/99 and 'A' properties marked as MO6 to MO10 in B.No.716/99 and 'C' properties marked as MO11 to MO15 in B.No.716/99 were informed that, the

said properties were marked during the examination of witness PW2 before Hon'ble Additional Chief Metropolitan Magistrate Court, Egmore, Chennai-8. I submit that, a requisition letter dated 28.07.2011 was submitted to Hon'ble Chief Metropolitan Magistrate Court, Egmore to transmit that said A and B properties to XI Metropolitan Magistrate Court for proceeding trial. The case was pending due to non-availability of the said A and B properties and also due to non-production of witnesses LW11 to LW15.

5.Hence, I humbly submit that, the trial of the case in C.C.No.9216/2010 is pending due to the reasons that the said case properties are yet to be received by this court and the said witnesses LW16, LW20 to 30 are to be produced before this court for examination."

From the above, it appears that the case properties have not been received from the Court of the learned Chief Metropolitan Magistrate, Egmore to the learned XI Metropolitan Magistrate.

4. The learned Chief Metropolitan Magistrate is directed to enquire into this and ensure that the case properties in old CC.No.4641 of 2004 that was pending on the file of the learned II Metropolitan Magistrate, Egmore, Chennai-8 be transmitted to the court of the learned XI Metropolitan Magistrate, Saidapet, Chennai-15.

5. Registry is directed to send a copy of the report dated 06.06.2015 given by the learned XI Metropolitan Magistrate to the learned Chief Metropolitan Magistrate, Egmore, Chennai for suitable action. The explanation offered by the learned XI Metropolitan Magistrate is accepted and is directed to expeditiously conduct the trial and take action in accordance with law and complete the same, within a period of eight months from the receipt of a copy of this order.

With the above direction, this petition is closed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

gya

To

1. The II Metropolitan Magistrate,
Egmore, Chennai-8.

2. The XI Metropolitan Magistrate,
Saidapet, Chennai-15.

3. The Inspector of Police,
Crime Branch CID,
C.C. Wing, Chennai.

4. The Public Prosecutor,
High Court, Madras.

Copy to:

The Chief Metropolitan Magistrate,
Egmore, Chennai.

(along with xerox copy of the report dated 6.6.2015 given by the
XI Metropolitan Magistrate saidapet, Chennai).

+1cc to Mr. R. Chakkaravarthy, Advocate sr.no.34076

CRL.OP.No.10440 of 2015

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srg 24.07



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