

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.11361 of 2015

R.Vasu

.. Petitioner

.. Vs ..

State rep. By
The Inspector of Police,
CB CID Metro Wing,
Chennai - 600 016.
(Crime No.3 of 2013)

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the learned XI Metropolitan Magistrate, Saidapet, Chennai, to expedite the trial in connection with C.C.No.3546 of 2014.

For Petitioner : Mr.R.Shanmugasundaram, Senior Counsel
for Mr.L.Baskaran

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed by the petitioner praying for a direction to the learned XI Metropolitan Magistrate, Saidapet, Chennai, to expedite the trial in connection with C.C.No.3546 of 2014.

2. Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. Learned Senior Counsel appearing for the petitioner submits that the de facto complainant is aged about 64 years and the trial is pending without any progress.

4. Learned Additional Public Prosecutor, on instructions, submits that the accused have filed applications for discharge.

5. This Court can take judicial notice of the fact that one after the other, the accused will file discharge applications for the purpose of protracting criminal trial. The Code of Criminal Procedure does not envisage such piece-meal filing of discharge applications.

6. Section 239 Cr.P.C. reads as follows:-

"239. When accused shall be discharged.- If, upon considering the police report and the documents sent with it under Section 173 and making such examination, if any, of the accused as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused, and record his reasons for so doing."

7. In view of the legal provision, the learned XI Metropolitan Magistrate, Saidapet, Chennai, is directed to ensure that all the accused are represented by Advocates and thereafter, shall consider the police report, after giving the prosecution and the accused an opportunity of being heard, and either frame charge or discharge the accused after trial, if no prima facie case is made out against them. It is not necessary for the learned Magistrate to wait for each of the accused to file a separate discharge application. The learned Magistrate is directed to complete this process, within a period of two months from the date of receipt of a copy of this order. Thereafter, the learned Magistrate shall expeditiously conduct the trial in C.C.No.3546 of 2014.

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

Sd/-

Asst.Registrar (CS III)

WEB COPY
/true copy/

Sub Asst. Registrar

Jr1

To

1. XI Metropolitan Magistrate,
Saidapet, Chennai.

2. Do thro the Chief Judicial Magistrate
Egmore, Chennai-8

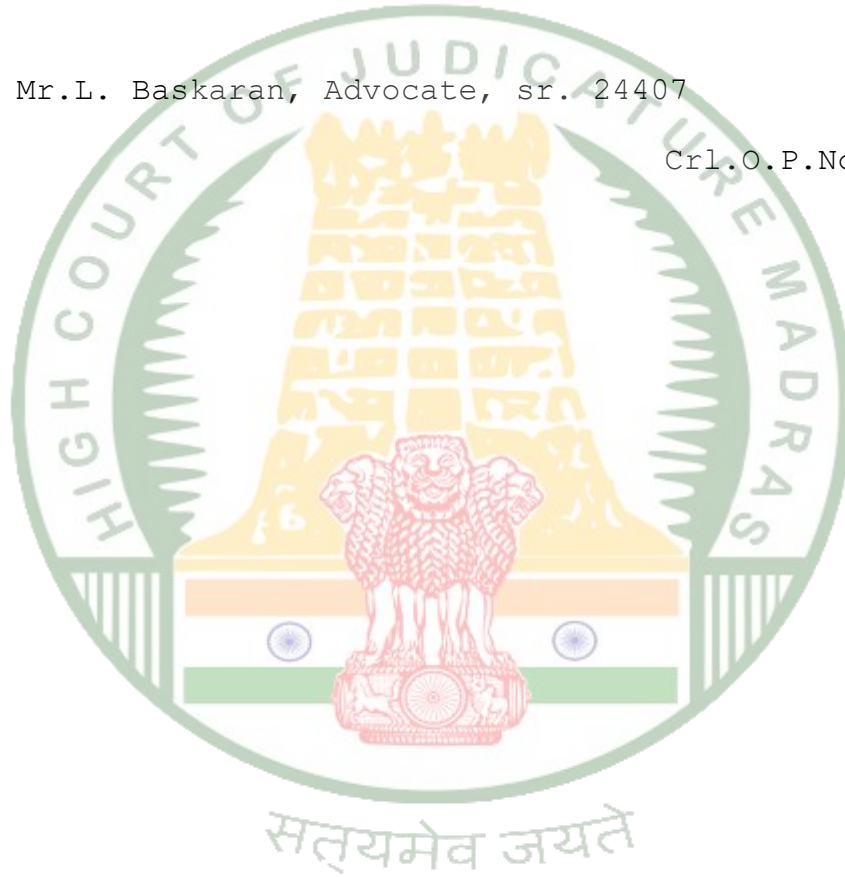
3. The Inspector of Police,
CB CID Metro Wing,
Chennai - 600 016.

4. The Public Prosecutor,
High Court, Madras.

1 cc to Mr.L. Baskaran, Advocate, sr. 24407

Crl.O.P.No.11361 of 2015

JP (CO)
kk 25/5



WEB COPY