

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.6.2015

CORAM:

THE HON'BLE MR.JUSTICE P.DEVADASS

Crl.R.C. No.542 of 2015

C.Jayaraman

.. Petitioner/ Petitioner/ 3rd Accused

Vs.

Inspector of Police,
Vigilance and Anti Corruption,
Special Unit, Dharmapuri. ... Respondent/Respondent/ Complainant

Petition filed under Section 397 and 401 of the Code of Criminal Procedure, against the order passed by the Chief Judicial Magistrate, Dharmapuri in Cr.M.P.No.152 of 2014 in Spl.C.C.No.10 of 2008 dated 12.11.2014.

For Petitioner : Mr.M.S.Palaniswamy

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

O R D E R

A3 in Spl. C.C.No.10 of 2008, aggrieved by the dismissal of his discharge petition in M.P.No.152 of 2014 by the learned Special Judge/Chief Judicial Magistrate, Dharmapuri, directed this revision.

2. According to the learned counsel for the petitioner/A3, he has been simply trapped in this trap case, as an abettor having assisted the main accused. But, he did not do so. The learned counsel for the petitioner would submit that because of this case, he was denied promotion thrice and he has to be superannuated in the next year. The F.I.R was registered in 2002. Yet, the case has not seen the end of it. Atleast, he is entitled to the minimum relief of speedy trial and speedy justice.

3. On the other hand, the learned Additional Public Prosecutor would submit that final report was duly filed by the investigating officer because of the constitution and formation of new courts and consequent transfer of cases, if there was some delay. The investigating agency cannot be blamed for this. Further, as on

today, substantial number of proof witnesses have been examined. Now, the case is posted to 24.6.2015 for further evidence. Prosecution will take all out efforts to complete the trial at the earliest.

4. I have considered the rival submissions and perused the impugned order and also the materials on record.

5. Though the phrases, 'Speedy trial', 'Speedy Justice' were not specifically stated in Article 21 of Constitution of India, but the Hon'ble Supreme Court by way of its innovative interpretative technique widened scope of the words, 'life', 'liberty' in Article 21 of the Constitution of India and included in it the right of the accused for a speedy trial, speedy justice, now includes right of the victim also.

6. A man roaming with the batch or title of an accused will definitely bring him mental agony, psychological feeling and he will be looked down even by his dear and near ones and it will have some adverse effect on his service career. Thus, one having the title of accused is not to be acclaimed.

7. Speedy trial has twin benefits. One is, the innocent will be freed immediately. The other one is the guilty will go quickly to jail, if punished.

8. Now, in this case, FIR is registered as early as in 2002, but even now trial is pending. Therefore, the learned counsel for the petitioner/A3 is right in his submission that A3 is entitled to the minimum relief of speedy trial and speedy justice.

9. In the circumstances, the Special Judge under Prevention of Corruption Act/Chief Judicial Magistrate, Dharmapuri shall dispose of the Special Case in C.C.No.10 of 2008 as expeditiously as possible, preferably within two months from the date of receipt of a copy of this order.

10. It is made clear that the learned prosecutor and the learned defence counsel will lend their fullest co-operation to the trial Court to complete the trial within the stipulated time.

11. A copy of this order shall also be communicated to the Special Public Prosecutor, Vigilance and Anti Corruption, Dharmapuri and to the learned defence counsel on record through the Special Judge.

12. Accordingly, this criminal revision case is disposed of.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The Principal Sessions Judge, Dharmapuri.
2. The Special Judge under P.C. Act / Chief Judicial Magistrate, Dharmapuri
3. Inspector of Police, Vigilance and Anti Corruption, Special Unit, Dharmapuri.
4. The Public Prosecutor, High Court, Madras.
5. The Special Public Prosecutor Vigilance and Anti Corruption Dharmapuri
6. The Section Officer, Criminal Section, High Court, Madras.

1 cc to Public Prosecutor, High Court, Madras, 28138
1 cc to Mr.M.S.Palaniswamy, Advocate, Sr. 28036

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