

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.DEVADASS

Cr1.O.P.No.7856 of 2007

R.D.Sethuraman

...Petitioner

.. Vs ..

State

The Deputy Superintendent of Police,
CBI/SCB/Madras,
Rajaji Bhavan, Besant Nagar,
Chennai 600 020.
Cr.No.RC5/S/93

...Respondent

PRAYER: This petition filed under Section 482 of Criminal Procedure code to call for the records and quash the proceedings in E.O.C.C.No.78 of 1998 against the petitioner, pending on the file of the Additional Chief Metropolitan Magistrate (E.O.II), Egmore, Chennai 8.

For Appellant : Mr.G.Jawaharlal

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor

सत्यमेव जयते
O R D E R

A-3 in E.O.C.C.No.78 of 1998 pending on the file of learned Additional Chief Metropolitan Magistrate (E.O.II), Egmore, Chennai seeks quashing of the criminal proceedings in so far as he is concerned.

2. The split up case in E.O. C.C.No.456 of 2009 with respect to certain other accused was over 1 year ago. The mother case is the present case in E.O. C.C.No.78 of 1998 in which the petitioner and A.T.K.Srinivasan are being prosecuted.

3 The learned counsel for the petitioner contends that he has been made an accused in a criminal case as early as in 1998.

Still with such a badge, he is passing his days, which causes him unbearable mental agony and affects his reputation. In the circumstances, in the interest of justice, this criminal proceedings are required to be quashed.

4 CBI filed counter.

5 According to the prosecution, petitioner has given a statement in his handwriting u/sec.108 of Customs Act, 1962 Customs officers admitting his smuggling of sandalwood and red sanders to certain foreign countries.

6 In its letter, in Dis.No.76 dated 7.4.2015, the trial Court that the case is pending because of the pendency of this CrI.O.P.No.7856 of 2007.

7 The learned Special Public Prosecutor, C.B.I., Chennai would submit that in the facts and circumstances, such a relief cannot be asked for, but, every effort will be taken to complete the trial.

8 I have considered the rival submissions and perused the report and the records.

9 This Court is not the trial Court. The prosecution package is still pending before the trial Court without significant progress. Pendency of the criminal case from the year 1998 reflects on the system. Everyone has to be blamed for this sorry state of affairs.

10 The phrases 'speedy justice' and 'speedy trial have not been expressly stated in Article 21, Constitution of India. But by way of its innovative interpretation the Hon'ble Apex Court in expanding the horizon of Human Rights, enlarged the scope of Article 21, Constitution of India holding that 'speedy trial' and 'speedy justice' are included in the said Article 21. Article 21 Indian Constitution equivalent of American Bill of Rights and British Magna Carta. In fact, this Article 21, couched in few lines is far more and better than the unwritten Constitution of U.K. and the written Constitution of U.S.A.

11 Courts have held that accused is entitled to know the result of the accusations made against him at the earliest because it affects 'life', 'liberty' and 'reputation' of a person.

12 Thus, 'Speedy justice' 'Speedy Trial' are Fundamental Rights of accused persons. This right commences even from the investigation stage. The correlative obligation is imposed on the

Court. But, Courts cannot play solo. Such a duty is also imposed on the prosecution. It is needless to say that in any manner defence shall not be a speed braker for doing speedy justice.

13 In the light of the above deliberations, this Court directs the learned Additional Chief Metropolitan Magistrate (E.O.II), Egmore, Chennai to dispose of the case in E.O.C.C.No.78 of 1998 within three months from the date of receipt of a copy of this order.

14 The prosecution as well as the defence will give their fullest co-operation to the trial Court to dispose of the case within the said time.

15 Accordingly, this CrI.O.P. is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vaan

To

1. The Additional Chief Metropolitan Magistrate (E.O.II), Egmore, Chennai 8.
2. -Do- Through The Chief Metropolitan Magistrate, Egmore, Chennai - 8.
- 3 The Deputy Superintendent of Police, CBI/ SCB, Rajaji Bhavan, Besant Nagar, Chennai 600 090.
4. The Special Public Prosecutor, CBI, Chennai.

1 CC to Mr.G.Jawaharlal, Advocate SR.No. 22598

1 CC to the Special Public Prosecutor, SR.No. 29068

CrI.OP.No.7856 of 2007

VD (CO)

PSI (18.05.2015)