

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.24009 of 2015

1.Ganesh
2.Chitti Babu
3.Marimuthu

.. Petitioners

Vs.

State by the Inspector of Police,
S.15, Selaiyur Police Station,
Chennai, (Crime No.648/2008).

...Respondent

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the learned Judicial Magistrate, Tambaram, Chennai to conduct speedy trial in the above case in CC No.398 of 2008 on her file and complete the trial of the case within the time stipulated by this court.

For Petitioners :: Mr.G.M.Sankar

For Respondent :: Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Tambaram, Chennai to conduct speedy trial in CC.No.398 of 2008 on the file of Judicial Magistrate, Tambaram and complete the trial within the time stipulated by this court.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

3. It is seen that this case is of the year 2008 and the trial is pending since then. The learned Additional Public Prosecutor submits that, ten witnesses have been examined and only two more witnesses have to be examined.

4. The learned counsel for the petitioners submitted that, though the final report was filed in the year 2008, an additional supplementary final report was filed on 13.07.2015, in which the prosecution has included one more person as additional witness.

5. It is seen that the inclusion of additional witness is not challenged by the accused. Under such circumstances, this Court directs the trial Court to complete the trial in C.C.No.398 on the file of Judicial Magistrate, Tambaram within a period of three months

from the date of receipt of a copy of this order, provided the accused co-operate, by cross-examining the prosecution witness without adopting dilatory tactics. If the accused adopts any dilatory tactics, it is always open to the trial court to remand the accused under Section 309 Cr.P.C., following the judgment of Hon'ble Supreme Court in State of U.P. Vs. Shambunath Singh, JT 2001[4] SC 319.

5. With the above direction, this Criminal Original Petition is closed.

Ds

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
S.15, Selaiyur Police Station,
Chennai
2. The Public Prosecutor,
High Court, Madras.
3. The Judicial Magistrate,
Tambaram, Chennai
4. The Chief Judicial Magistrate,
Chengalpattu

+1 C.C. To MR.G.M.Sankar, Advocate in SR.NO.56176

Cr1. O.P. No.24009 of 2015

RSK(CO)

sd : 20/10/2015

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