

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27086 of 2015

Rajalingam

... Petitioner

Vs

State by
Inspector of Police,
Meesurutti Police Station,
Perambalur District

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Additional District and Sessions Judge, Salem, Salem District to expedite the proceedings in S.C.No.138 of 2013 on his file and also to complete the proceedings accordingly within the time stipulated by this Court.

For Petitioner : Mr.K.Balu

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

The present petition has been filed to direct the learned Additional District and Sessions Judge, Salem, Salem District to expedite the proceedings in S.c.No.138 of 2013 on his file and also to complete the proceedings accordingly within the time stipulated by this Court.

2. The petitioner is the defacto complainant. He has lodged a complaint in the year 2008 in Crime No.130 of 2008 for the offence under Sections 147, 148, 341, 324, 326, 307, 302 IPC r/w 120-B IPC. In the said case, on completion of investigation, the charge sheet has been filed in PRC.No.17 of 2008 before the learned Judicial Magistrate, Jayankondam. Thereafter, the accused persons had taken efforts for protracting the committal proceedings before the said Magistrate and the petitioner moved an application before this Court to commit the case to the District and Sessions Court, Salem and complete the trial within the stipulated time. This Court allowed the petitioner and as

per the order of this Court, the entire case was sent to the learned Additional District and Sessions Judge, Salem, and S.C.No 138 of 2013 was assigned but till date, the trial has not been commenced. Hence, the petitioner has come forward with the present petition.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that it is a case of five murders and totally, 16 accused are involved and out of the 16 accused, two accused are juvenile. So far as the juvenile accused are concerned, S.C.No.139 of 2013 was assigned and trial is going on. He further submitted that in S.C.No.138 of 2013, the accused are not co-operating with the trial with an intention to protract the proceedings and one of the accused is continuously absent.

4. In view of the submission made by the learned Additional Public Prosecution, this Court directs the Additional District and Sessions Judge, Salem, to expedite the trial in S.C.No.138 of 2013 and complete the proceedings as early as possible, preferably within a period of three months from the date of receipt of a copy of this order. If the accused are not co-operating with the trial, the Additional District and Sessions Judge, Salem, is directed to invoke Section 309 (2) to cancel bail and complete the trial within the period as stated above.

5. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi
To

1. The Additional District and Sessions Judge, Salem.
2. The Inspector of Police,
Meesurutti Police Station, Perambalur District
3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr. K. Balu, Advocate Sr.62738

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VS(CO)
EU 07.12.15