

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.4482 of 2015

T.K.Srinivasan

..Petitioner

Vs

State by the Inspector of Police
P.5, M.K.B.Nagar Police Station
Chennai 600 038.
(Crime No.683/2007)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to fix a time frame to trace the bundle and complete the trial in C.C.No.14425/2008 pending on the file of X Metropolitan Magistrate, Egmore, Chennai 600 008 within 3 months.

For Petitioner : Mrs.T.K.S.Bharathi Anandaraj
for Mr.M.S.Ramesh

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed seeking a direction to the learned X Metropolitan Magistrate, Egmore, Chennai 600 008, to complete the trial in C.C.No.14425 of 2008, pending on his file.

2. I have the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and I have also perused the records carefully.

3.The de facto complainant is the petitioner in this petition and it is his grievance that though the Final Report in this case was filed as early as 2008 and was taken on file in C.C.No.14425 of 2008, yet no progress has taken place in the trial for the last 8 years. Therefore, this Court called for a report from the learned X Metropolitan Magistrate, Egmore, Chennai 600 008 and a report dated 19.03.2015 has been received, in which the learned Magistrate has stated as follows:

"I humbly submit that the Hon'ble High Court directed this Court to submit the status of the case in C.C.No.14425/2008. The case is registered by the Sub Inspector of Police, P5

M.K.B. Nagar Police Station, in Crime No.683/2007, under Sections 294(b), 341, 323, 324, 325 and 506(ii) of IPC against A1.Harinath, S/o Chandran, A2.Anitha, W/o Harinath and A3.Venkatesan, S/o Palayam and after laying Charge Sheet the case is taken on file on 29.08.2008 in C.C.No.14425/2008. The case is pending for appearance of the accused and it is in summons stage. The next hearing date for service of summons to the accused is on 16.06.2015.

This is for your kind information."

4. It is indeed shocking to note that the Court has not been able to serve summons on the accused since 2008 and therefore, this Court is constrained to issue a direction to the learned X Metropolitan Magistrate, Egmore, Chennai 600 008 and the respondent police, to immediately take steps to serve summons on the accused and proceed with the trial of the case in accordance with law. The trial shall be completed within a period of six months from the date of receipt of a copy of this order. If the accused are adopting any dilatory tactics, it is open to the learned X Metropolitan Magistrate to take coercive steps for securing their presence.

With the above direction, this petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police
P.5, M.K.B.Nagar Police Station
Chennai 600 038.
(Crime No.683/2007)

2.X Metropolitan Magistrate, Egmore,
Chennai 600 008.

3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.M.S. Ramesh, Advocate, sr. 19462

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EV (CO)

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