



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2014

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THE HONOURABLE MR.JUSCIE P.N.PRAKASH

CrI.O.P. (MD) .No.7152 of 2014

and

M.P. (MD) Nos.2 and 3 of 2014

Krishnamoorthy

: Petitioner

-Vs-

State represented by

The Deputy Superintendent of Police,

Vigilance and Anti Corruption,

Pudukkottai

Crime No.6 of 2002

: Respondent

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to the impugned charge sheet laid in Spl.C.C.No.4 of 2005 on the file of Chief Judicial Magistrate and Special Judge Pudukkottai and quash the same insofar as the petitioner herein is concerned.

For Petitioner : Mrs.J.Anandhavalli

For Respondent : Mrs.S.Prabha, G.A.(CrI. Side)

O R D E R

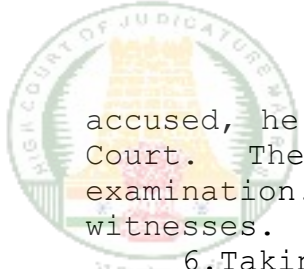
This petition has been filed to quash the proceedings in Spl.C.C.No.4 of 2005 on the file of the learned Chief Judicial Magistrate and Special Judge Pudukkottai by the 7th accused.

2.At the time of admission, it is represented by the learned Government Advocate (criminal side) that the prosecution has started examining the witnesses and at present, three witnesses have been examined and the matter is posted on 16.07.2014 for further examination of witnesses. Therefore, at this juncture, it is not feasible to entertain the quash petition. Moreover, it is a case of the year 2005 and after the prosecution has started examining the witnesses, the petitioner is approaching this Court to quash the proceedings.

3.However, it is represented by the learned counsel for the petitioner that the petitioner is a very sick person and is finding it very difficult to attend the Court. In the light of this submission, he has prayed for granting exemption to the petitioner to appear before the trial Court.

4.The learned Government Advocate (criminal side) has no serious objection for granting exemption to the petitioner/7th accused from appearing everyday before the trial Court.

5.Therefore, this Court exempts the petitioner/7th accused from appearing before the trial Court, provided he is represented by a lawyer, who shall participate in the trial without seeking unnecessary adjournments for cross examination of the witnesses. If any dilatory tactics is adopted on behalf of the 7th accused, liberty is given to the Special Judge, to call upon the 7th accused to be present before the Court for the hearings. Further, if any witness has to identify the 7th



accused, he shall appear before the Court as and when called upon by the Court. The accused shall also appear for the purpose of 313 of Cr.P.C. examination. In the memo of evidence, the prosecution has stated 25 witnesses.

6. Taking into consideration the fact that this case is of the year 2005, it will be in the interest of justice, if a direction is given to the trial Court to complete the trial of the case in Spl.C.C.No.4 of 2005 on the file of Chief Judicial Magistrate and Special Judge Pudukkottai, within a period of 10 months from the date of receipt of a copy of this order.

7. With the above direction, this quash petition is disposed of.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The Chief Judicial Magistrate and
Special Judge, Pudukkottai

2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Pudukkottai

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1cc to M/s.J.Anandhavalli, Advocate in SR.24582

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