

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl. O.P. No.11929 of 2016

Charu Bisani

Petitioner

vs.

The State represented by
the Inspector of Police
W-25 All Women Police Station
T. Nagar, Chennai 600 017

Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the XVII Metropolitan Magistrate, Saidapet, Chennai, to conduct trial on a day-to-day basis and fix a reasonable time frame for the completion of trial and for the judgment in C.C. No.7093/2007 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai.

For petitioner Mr. G. Kalyan Jhabakh
For respondent Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This petition has been filed to direct the XVII Metropolitan Magistrate, Saidapet, Chennai, to conduct trial on a day-to-day basis and fix a reasonable time frame for the completion of trial and for the judgment in C.C. No.7093/2007 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint lodged by the petitioner, the respondent police registered a case in Cr.No.15 of 2007 and after completing the investigation has filed a Final Report in C.C.No.7093 of 2007 for offences u/s 498-A, 294(b) and 506(ii) IPC against four accused. It is the grievance of the petitioner, who is the de facto complainant, that the trial has not proceeded wee bit since 2007 when the Final Report was filed. This Court called for a Report from the XVII Metropolitan Magistrate, Saidapet and the Report dated 05.07.2016 has been received, wherein certain valid reasons for the delay in conduct of the trial have been given. However, it is seen that the accused have not even cross examined the de facto complainant/P.W.1 and are delaying the process.

4. In the result, this Court directs the XVII Metropolitan Magistrate, Saidapet to complete the trial within six months from the date of receipt of a copy of this order. The trial Court shall ensure that the accused cross examines the witnesses on the day they are examined-in-chief as directed by the Supreme Court in Vinoth Kumar vs. State of Punjab [2015(1) MLJ (crl) 288]. If the accused adopts any dilatory tactics, it is open to the trial Court to remand them to custody in terms of the law laid down by the Supreme Court in State of Uttar Pradesh v. Shambunath Singh [JT 2001 (4) SC 319].

With the above direction, this petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gms

To

- 1.XVII Metropolitan Magistrate, Saidapet,
- 2.The Inspector of Police,
W-25 All Women Police Station,
T. Nagar, Chennai 600 017.
- 3.The Public Prosecutor, High Court of Madras, Chennai 600 104.
4. Do-thro The Chief Metropolitan Magistrate, Chennai.

+1cc to M/S Surana & Surana Sr.37856

सत्यमेव जयते

CrI. O.P. No.11929 of 2016

GJII(CO)
RVR 01/08/2016

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