

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.12497 of 2016 and
CrI.M.P.No.6437 of 2016

S.Siva

Petitioner/ Accused

Vs

The Inspector of Police
S-10 Pallikkarani Police Station
Chennai 100
Crime No.1109/07

Respondent/
Complainant of Police

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to issue suitable direction to the learned Judicial Magistrate Court at Alandur, Chennai-16 to take the discharge petition dated 03.06.2016 in C.C.No.916/07.

For petitioner : Mr.S.Siva
Party-in-person

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

O R D E R

This petition has been filed to direct the learned Judicial Magistrate, Alandur, Chennai to take the discharge petition dated 03.06.2016 in C.C.No.916/07.

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

3. On the complaint lodged by N.Ambika, the petitioner's wife, the respondent police registered a case in Cr.No.1109/2007 and after completing the investigation, filed a Final Report in C.C.No.916/2007 for offences u/s 448, 323, 294(b), 506(i), 384 r/w 511 IPC. It is seen that the trial in this case had begun with the examination of P.W.1 on 16.06.2016 and therefore, no direction can be issued by this Court to the trial Court to dispose the discharge application as prayed for by the petitioner.

4. Hence, the petition is closed with a direction to the trial Court to expeditiously complete the trial since this is a case of the year 2007. The trial Court shall ensure that

the petitioner 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 petitioner adopts any dilatory tactics, it is open to the trial Court to remand him to custody in terms of the law laid down by the Supreme Court in State of Uttar Pradesh v. Shambjunath Singh [JT 2001 (4) SC 319]. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

gms

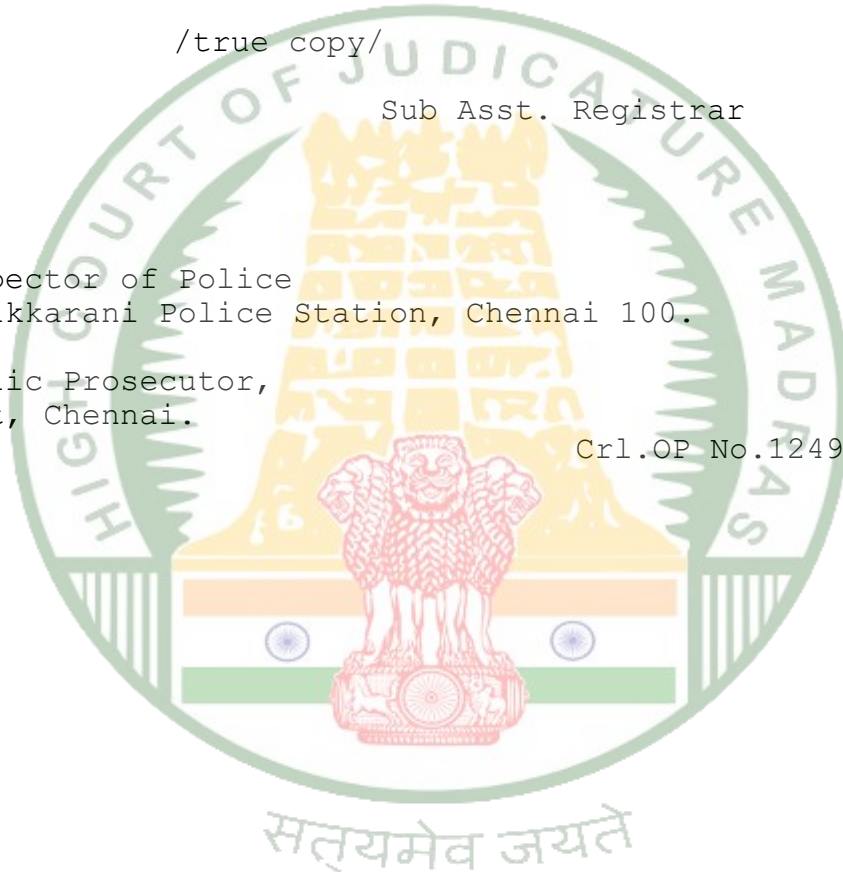
To

1.The Inspector of Police
S-10 Pallikarani Police Station, Chennai 100.

2.The Public Prosecutor,
High Court, Chennai.

Crl.OP No.12497 of 2016

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