

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.14173 of 2016
and Crl.M.P.No.7209 of 2016
and
Crl.OP.No.14174 of 2016
and Crl.M.P.No.7210 of 2016

K.Subburathinam ... Petitioner/Accused
in both Crl.O.Ps.

Vs

The Assistant Commercial Tax Officer,
Commercial Tax Department,
Karaikal. ... Respondent/Complainant
in both Crl.O.Ps.

Criminal Original Petitions filed under Section 407 of the Code of Criminal Procedure to withdraw the C.C.Nos.22 & 23 of 2016 respectively from the file of the Court of the Judicial Magistrate II, Karaikal and to transfer the said cases to the Court of the Judicial Magistrate I at Puducherry, so as to be tried along with the C.C.Nos.278 of 2006 and 279 of 2006, pending on the file of the Court of the Judicial Magistrate-I at Puducherry.

For Petitioner : Mr.K.Kumaraguru
in both Crl.O.Ps. for M/s.Sai Bharath &Ilan

For Respondent : Mr.M.R.Thangavel, APP[P]
in both Crl.O.Ps.

WEB COPY
COMMON ORDER

These petitions have been filed to withdraw the C.C.Nos.22 and 23 of 2016 respectively from the file of the Court of the Judicial Magistrate-II, Karaikal and to transfer the said cases to the Court of the Judicial Magistrate-I, Puducherry, to be tried along with the C.C.Nos.278 and 279 of 2006, pending on the file of the Court of the

Judicial Magistrate-I, Puducherry.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. When the matter was taken up for hearing, learned Additional Public Prosecutor [Pondy] submitted that, if two months time is granted to complete the trial in C.C.No.22 and 23 of 2016 pending before the learned Judicial Magistrate-II, Karaikal, the prosecution will examine their witnesses and complete the prosecution side.

4. It is seen that the complaint in both the cases were filed in the year 2006 and from the year 2006 to 2016, there has not been any progress in the trial. At this juncture, if this case is transferred from Karaikal to Puducherry, it will only prolong the agony of the petitioner/accused.

5. Accepting the submission of the learned Additional Public Prosecutor, learned Judicial Magistrate-II, Karaikal is directed to complete the trial, within a period of two months from the date of receipt of a copy of this order, provided the petitioner/accused co-operate with the trial Court by cross-examining the witnesses without adopting any dilatory tactics.

With the above direction, these petitions are closed. Consequently, connected Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Assistant Commercial Tax Officer,
Commercial Tax Department,
Karaikal.

2.The Public Prosecutor,
High Court, Chennai.

+2 cc to Mr.Sai Bharath & Ilan Advocate sr 42348

Cr1.OP.Nos.14173 & 14174 of 2016

aa18/08/2016