

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.19170 of 2015
and M.P.No.1 of 2015

1.Madhu
2.Venogopal
3.Venkatesh
4.Kachieriappa
5.Thimmarayappa
6.Narayanan
7.Sankarappa
8.Venkatesappa
9.Venkatesh
10.Sundarappa
11.Ramappa
12.Rajappa
13.Makkappan

..Petitioners/Accused 1 to 6,
9 to 14 and 16

Vs.

State rep. by
Sub-Inspector of Police
Berigai police station
Hosur Taluk
Krishnagiri Taluk.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for entire records in respect of C.C.No.70 of 2000 on the file of the learned Judicial Magistrate No.I, Hosur and quash the same.

For Petitioners :Mr.D.Rajagopal

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

O R D E R

This petition is filed for quashing the proceedings in C.C.No.70 of 2000 on the file of the learned Judicial Magistrate No.I, Hosur and quash the same.

2.Learned counsel for the petitioners submits that it is a case and counter. There is a delay on the part of the Court to dispose the case and that the petitioners had filed a

petition in CrI.O.P.No.17300 of 2014 to quash the proceedings in C.C.No.70 of 2000. This Court by an order dated 04.09.2014 directed the trial Court to dispose the same not later than six months. Even thereafter, the case has not been seen the light of the day. Therefore, the petitioners have come forward with this petition for the above stated relief. To substantiate his arguments, he relied upon para-5 of the decision reported in 2011 (2) L.W. (crl.) 315 (E.Baskaran and others v. State represented by Sub-Inspector of Police, G-1, Veperiy police station, Chennai-7.) submitting that all the offences are bailable offences and due to delay in conducting trial, the proceedings against the petitioners can be quashed. Thus, he prayed for quashing the proceedings.

3. Resisting the same, learned Additional Public Prosecutor submits that a counter case has also been pending in C.C.No.71 of 2000 and that both C.C.Nos.70 and 71 of 2000 are pending. He further submits that since the case comes under Section 12 of Tamil Nadu Private Property Damages and Loss Act, the case is to be committed to the Court of Sessions or not, to be decided and hence, C.C.Nos.70 and 71 of 2000 are pending. Now the respondent police is ready to produce the witnesses and dispose the case within short spell of time. Therefore, he prays for dismissal of this petition.

4. Heard both sides and perused the typed set of papers.

5. This Court by an order dated 31.07.2015 called for report from the learned Judicial Magistrate No.I, Hosur, to ascertain under which circumstances, the trial in C.C.No.70 of 2000 is still pending.

6. A perusal of the report from the concerned Court narrates the facts as to why there was a delay in conducting trial. It further narrates that the defacto complainant has also filed C.R.C.No.8 of 2002 and the same was dismissed in the year 2008, in which the petitioners are also impleaded as parties. But that factum was not brought to the knowledge of the Court neither by the defacto complainant nor by the petitioners and hence, the case has been periodically adjourned. Later it was informed that the case bundle was mixed with other records.

7. Considering the aforesaid facts and circumstances of the case, since steps have now taken for reconstruction of the case bundle and C.C.Nos.70 and 71 of 2000 are case and counter, instead of quashing the proceedings in C.C.No.70 of 2000, the trial Court is directed to dispose both the C.C.Nos.70 and 71 of 2000 within a period of three months from the date of receipt of a copy of this order, after following the procedure for reconstruction of the bundle.

8.The Criminal Original Petition is disposed of with the above direction. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(As)

//True Copy//

Sub Assistant Registrar

kj

To

1.Sub-Inspector of Police
Berigai police station
Hosur Taluk
Krishnagiri Taluk.

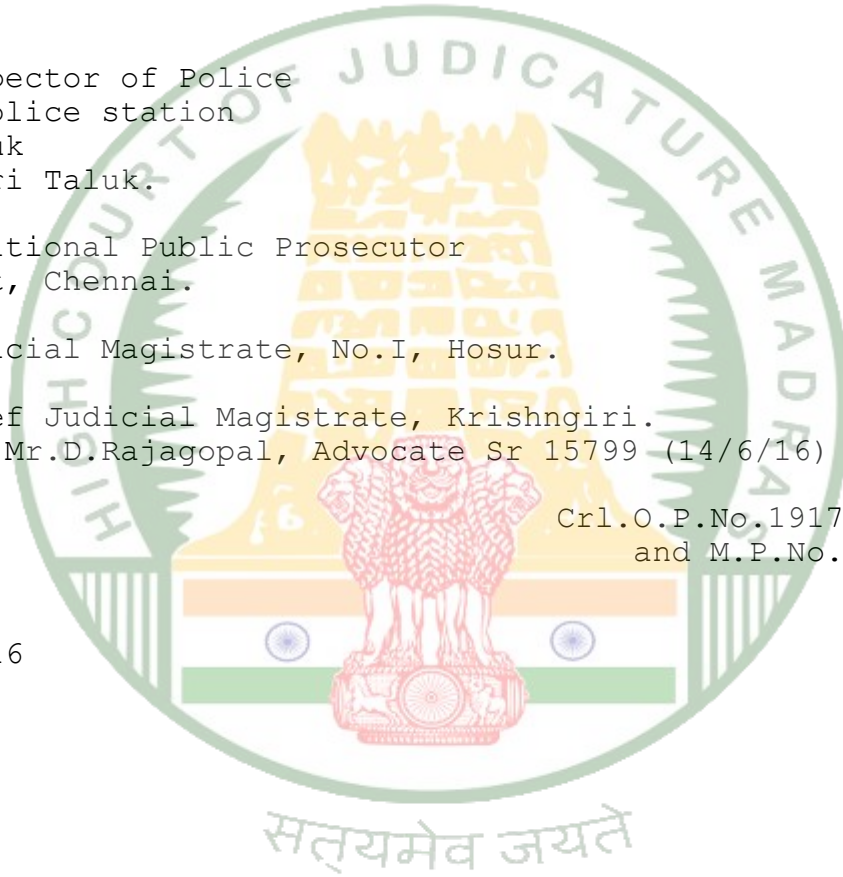
2.The Additional Public Prosecutor
High Court, Chennai.

3.The Judicial Magistrate, No.I, Hosur.

4.The Chief Judicial Magistrate, Krishngiri.
+ 1 cc to Mr.D.Rajagopal, Advocate Sr 15799 (14/6/16)

Cr1.O.P.No.19170 of 2015
and M.P.No.1 of 2015

SCD(CO)
Eu 29.03.16



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