

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.16049 of 2016

Jeevabarathi

.. Petitioner

Vs.

State Represented by
Inspector of Police,
D-2, Ambattur Estate Police Station,
Chennai - 58.

(P.R.C.No.17 of 2015)

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Trial Court to complete the pending case in P.R.C.No.17 of 2015 as expeditiously as possible within the time frame fixed by this Court.

For Petitioner : Mr.V.S.Senthilkumar

For Respondent : Mr.C.Emalias, APP

O R D E R

This Criminal Original Petition has been filed seeking a direction to the trial Court to complete the case in P.R.C.No.17 of 2015 as expeditiously as possible.

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

3. On 01.09.2016, this Court has passed the following order:

"Pursuant to the direction issued by this Court on 26.07.2016, the learned Judicial Magistrate, Ambattur, has sent the following report dated 08.08.2016;

"I humbly submit that, I have taken charge as the Judicial Magistrate at Ambattur on 07.06.2016. On perusal of the papers, it is found that this case is pending at the stage of Fresh summons to A1 to A5 and one of the accused, A6 is shown as the absconding accused. Further, on the day of hearing on 30.07.2016, it was orally represented by the prosecution that one of the accused on whom summons, is required to be served died. To enable the prosecution to produce Death Certificate to confirm the death of one of the accused and to produce the absconding accused, the

case is posted to 26.09.2016 by granting time at the request of the police. On receiving the above cited direction, I have directed the prosecution to produce the death certificate of the deceased accused and to serve summons on the remaining accused of the A1 to A5 and to produce the accused shown as the absconding accused at the earliest."

2. From the above, it is evident that the police have not taken proper steps to serve summons on the accused and they are also not taking steps to apprehend the absconding accused.

3. Hence, the Deputy Commissioner of Police, Ambattur, is directed to look into this matter and ensure that the Inspector of Police, T-2, Ambattur Estate Police Station, takes effective steps to serve summon on the accused and to trace the absconding accused. The Deputy Commissioner of Police, Ambattur, is directed to send a compliance report to this Court on or before 30.09.2016.

Post this matter for reporting compliance on 30.09.2016."

Pursuant to the order of this Court dated 01.09.2016, Mr.R.Sudhakar, I.P.S., now working as, Deputy Commissioner of Police, Ambattur, has filed a Status report, wherein, it is stated as follows:

"I submit that in compliance of the directions of the Hon'ble High Court, Madras the Inspector of Police, T-2 Ambattur Estate Police Station caused the service of fresh summons to A1 to A4 and they were produced before the Learned Judicial Magistrate, Ambattur on 26.09.2016. As also, the Inspector has produced the death certificate of the deceased Accused-A5 V.Palani before the Court on the same day on 26.09.2016. The case against A1 to A4 is stands posted to 18.10.2016 for furnishing copies under Section 207 Cr.P.C.

I further submit that in the meantime, the Accused -A6 Ashok aged 55 S/o.Subramani, who was arrested in a case in T2 Ambattur Estate Police Station Crime No.1331/2016 u/s 341, 294(b), 336, 427, 392, 397 and 506(ii) IPC on 10.09.2016, in his confession, had admitted that he is also concerned in T2 Ambattur Estate Police Station Crime No.853/2014 u/s 147, 148, 341, 294(b), 324, 307, 302 IPC @ 147, 148, 341, 294(b), 324, 307 & 302 r/w 149 IPC which is pending in PRC No.17/2015 on the file of the Learned Judicial Magistrate, Ambattur. Hence accused Ashok is remanded in this case on 10.09.2016

as accused A6 and produced before the trial Court on 26.09.2016, he was remanded till 07.10.2016. Therefore, there is good progress in the court work.
"

4. Recording the same, the criminal original petition is closed with a direction to the trial Court that if after release on bail, the accused absconds steps should be taken to register a fresh FIR against them under Section 229(A) IPC, which is a cognizable and non bailable offence and further directs to expeditiously complete the committal proceedings in P.R.C.No.17 of 2015, if there is no other legal impediment.

With the above direction, the criminal original petition is closed.

-sd/-
Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

To

1 The Judicial Magistrate,
Ambattur

2 The Deputy commissioner of police,
Ambattur

3 The Inspector of Police,
D2 Ambattur Estate Police Station,
Chennai - 58.

4 The Public Prosecutor,
High Court, Madras.

+1 cc to MR.V.S.SENTHILKUMAR, Advocate SR.NO. 56775

WEB COPY

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gj[col]
RD 12/11/2016