

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.16094 of 2016

Mehakk V.Nichani

... Petitioner

Vs

State rep.by
Inspector of Police,
W-4, All womens Kilpauk Police Station,
Chennai.
(C.C.No.784 of 2015)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Learned II Metropolitan Magistrate, Egmore to complete the pending case in C.C.No.784 of 2015 as expeditiously as possible within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.V.S.Senthilkumar

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the Learned II Metropolitan Magistrate, Egmore, to complete the pending case in C.C.No.784 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 a complaint lodged by the petitioner, the respondent police registered a case in Crime No.4 of 2014 and after completing the investigation, the respondent police filed a final report in C.C.No.784 of 2015 for offences under Sections 498(A), 406 & 506(i) IPC before the learned II Metropolitan Magistrate, Egmore, Chennai. The petitioner was examined as P.W.1 on 16.07.2015 and thereafter, she was not cross-examined by the accused. The accused filed a petition under Section 91 Cr.P.C calling for certain documents and the trial Court posted the same for orders from 10.02.2016.

4. The learned Additional Public Prosecutor for the respondent submitted that there is no presiding officer in the II Metropolitan Magistrate Court, Egmore, Chennai and therefore, this case came up before the in-charge Magistrate viz., the X Metropolitan Magistrate Court, Egmore.

5. Under such circumstances, this Court cannot issue a direction to the X Metropolitan Magistrate Court, who is already overburdened, to complete the trial of the cases pending before the II Metropolitan Magistrate Court in a time bound manner. However, the learned X Metropolitan Magistrate, Egmore, Chennai, is directed to expeditiously complete the trial since it is stated that the petitioner is coming from Assam for every hearing. The learned trial Court shall ensure that on a date fixed for the appearance of the petitioner, the accused shall cross-examine the petitioner as held by the Hon'ble 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 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].

In view of the above directions, the criminal original petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Inspector of Police,
W-4, All womens Kilpauk Police Station,
Chennai.
2. The II Metropolitan Magistrate,
Egmore, Chennai 03.
3. The X Metropolitan Magistrate,
Chennai 03.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.S.Senthil Kumar, Advocate, S.R.No.42556

Cr1.OP No.16094 of 2016

LRS(CO)

CA(11/08/2016)

<https://hcservices.ecourts.gov.in/hcservices/>