

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.12.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM
Crl.R.C.No.1445 of 2016

1.R.Suresh Kennedy
2.D.S.Mani
3.G.Srinivasan
4.Pradeep Kumar

.. Petitioners

vs.

State Rep by
The Inspector of Police,
Vaniambadi Town Police Station,
Vellore District.

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against to set aside the order passed in C.M.P.No.4472 of 2016 in C.C.No.15 of 2015 dated 16.11.2016 on the file of the Principal District Munsif Cum Judicial Magistrate, Vaniambadi, Vellore District.

For Petitioners :M/s.K.Mohanamurali
For Respondent :Mr.K.Madhan
Government Advocate
(Crl.side)
Defacto Complainant:Mrs.R.Janagi

O R D E R

This revision challenges the order of Principal District Munsif Cum Judicial Magistrate, Vaniambadi, Vellore District, passed in C.M.P.No.4472 of 2016 in C.C.No.15 of 2015 on 16.11.2016.

2. Petitioners face trial in C.C.No.15 of 2015 on the file of learned Principal District Munsif cum Judicial Magistrate, Vaniyambadi, for offences u/s.420, 465, 471 and 120(b) r/w 109 IPC. Petitioners filed C.M.P.No.4472 of 2016 u/s.205 Cr.P.C., which came to be dismissed under orders dated 16.11.2016, giving rise to this revision.

3. Heard learned counsel for petitioners and learned Government Advocate [Crl.side].

4. In dismissing the petition moved in C.M.P.No.4445 of 2016 seeking relief under Section 205 of Cr.P.C., the Court

below has held thus:

"In the High Court Crl.O.P.No.17802 of 2016 ordered that "the trial Court is expected to take up the matter and proceed with the case on a day-to-day basis and shall not adjourn the matter beyond ten working days or two weeks at any point of time. "In this case 2 discharge petitions are pending and the learned Public Prosecutor filed the petition for add further 3 accused, under Section 319 Cr.P.C and in that petition proposed accused No.1 present today at filed counter. The NBW are pending other two proposed accused. That Crmp is pending. Hence, the above three Crmps will be decided shortly suitable instructions to be given to police. Hence, the petitioners appearance is necessary for and charge framing and questioning. Hence, this petition is dismissed. The petitioners are set at liberty to file the petition under Section 205 of Cr.P.C after framing charge and Questioning and it will be considered as per the order of Hon'ble High Court orders in Crl.O.P.Nos.9713/16 dated 29.04.2016 and 9242/16 dated 02.06.2016."

This Court finds no error in the order under challenge.

5. This Criminal Revision Case shall stand dismissed. However, taking note of the submission of learned counsel for petitioners that petitioners are bank officials and the insistence of presence of petitioners before the Court below in the present scenario where demonetization has its effects and the need for bank personnel presence at their respective desks, would cause much inconvenience, this Court would direct the Court below to consider favourably petitions under section 319 Cr.P.C. upto 31.01.2017.

-s/d-

Assistant Registrar

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Sub-Assistant Registrar

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To

1. The Principal District Munsif Cum Judicial Magistrate,
Vaniambadi, Vellore District.

2.The Inspector of Police
Vanniambadi Town Police Station
Vellore District

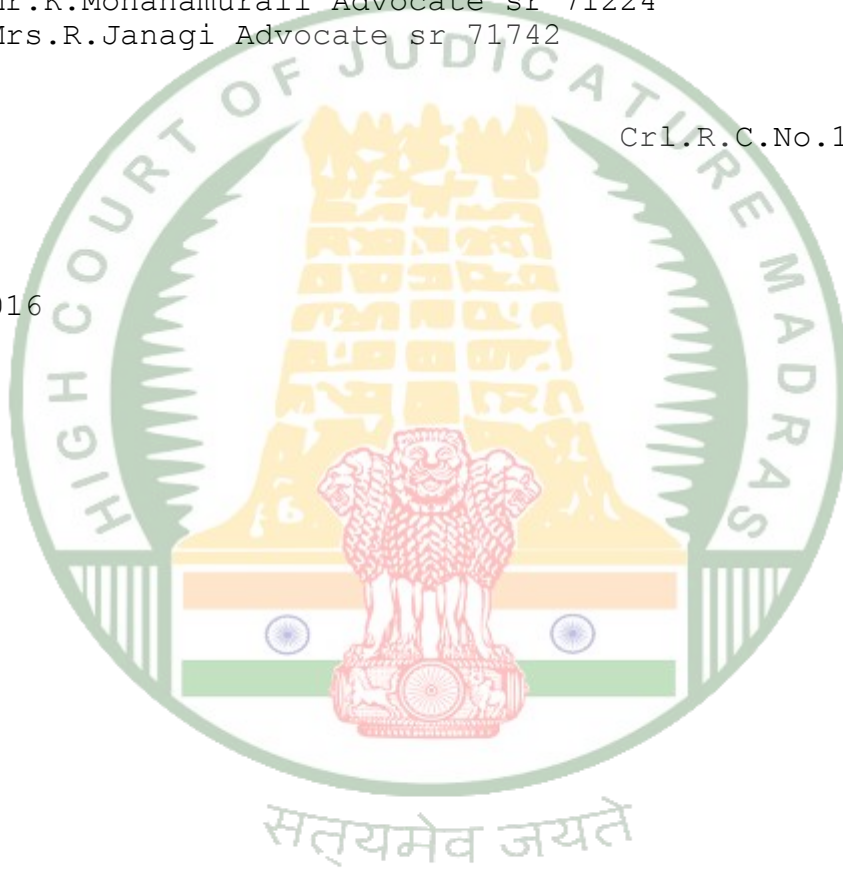
3.The Public Prosecutor
High Court Madras

+1 cc to Mr.K.Mohanamurali Advocate sr 71224

+1 cc to Mrs.R.Janagi Advocate sr 71742

CrI.R.C.No.1445 of 2016

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