

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI.O.P. No.17864 of 2016

Dr. G. Ilangovan

Petitioner

vs.

The State
represented by the Inspector of Police
R-7 Police Station
K.K. Nagar
Chennai 600 078

Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to direct the Chief Metropolitan Magistrate, Egmore, to conduct the trial in CC.NO.1298/2015 as day to day basis and to conclude the trial within reasonable time.

For petitioner : Mr. P. Vijendran

For respondent : Mr. C. Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the Chief Metropolitan Magistrate, Egmore, to conduct the trial within a reasonable time.

2 On the complaint lodged by the petitioner, the respondent police registered a case in Crime No.21 of 2014 and after completing the investigation, has filed a final report in C.C. No.1298 of 2015 before the Chief Metropolitan Magistrate, Egmore, Chennai, against 8 accused. The petitioner is before this Court for a direction to the Trial Court to expeditiously complete the trial in the aforesaid case.

3 The learned Additional Public Prosecutor submitted that the accused are on bail and they had collected papers under Section 207, Cr.P.C. and thereafter, one or the other of them is not appearing because of which, the Trial Court is unable to frame charges.

4 Recording the said submission of the learned Additional Public Prosecutor, the Trial Court is directed to expeditiously conduct trial. If the accused do not cooperate, the Trial Court is entitled to remand them to custody under Section 309, Cr.P.C., as laid down by the Supreme Court in State of Uttar Pradesh vs. Shambhu Nath Singh [JT 2001 (4) SC 319]. The Trial Court shall also ensure that the accused cross-examine the witnesses on the day they are examined in chief, as held by the Supreme Court in Vinoth Kumar vs. State of Punjab [2015 1 MLJ (Cr1.) 288].

With the above directions, this Criminal Original Petition is closed.
cad

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1 The Chief Judicial Magistrate, Egmore, Chennai.
- 2 The Inspector of Police
R-7 Police Station
K.K. Nagar
Chennai 600 078
- 3 The Public Prosecutor
High Court of Madras, Chennai 600 104

+ 1 cc to MR.P.VIJENDRAN, ADVOCATE SR 46679

KR/31/08/16

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