

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 25.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.23761 of 2016

G.Senthilkumar

... Petitioner

-Versus-

State Rep. by
Inspector of Police,
Sankari Police Station,
Salem District.
[Crime No.881 of 2001]

... Respondent

Prayer: This petition is filed under Section 482 Cr.P.C. praying to direct the learned Judicial Magistrate No.I, Sankari, to dispose of the case in C.C.No.21 of 2015 as expeditiously as possible preferably within a period to be stipulated by this court.

For Petitioner : Mr.R.Nandhakumar
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The petitioner is the de facto complainant in C.C.No.21 of 2015 pending on the file of the learned Judicial Magistrate No.I, Sankari wherein trial has commenced in the year 2015 itself and the de facto complainant was examined in chief partially on 13.08.2015. Seeking a direction to expedite the trial, the de facto complainant is now before this court with the present petition.

2. On perusal of the docket orders passed by the learned Magistrate, it is seen that the accused are frequently absconding one after the other and are recalling the Non Bailable Warrants after surrender. Such practice deserves to be deprecated. The accused or the counsel appearing on his behalf should cross examine the witnesses on the same day when they are examined in chief as held by the Hon'ble Supreme Court in Vinod Kumar v. State of Punjab, 2015 (3) SCC 220. If any of the accused adopts any dilatory tactics, it is open to the trial court for remanding him to custody under Section 309 of Cr.P.C., as held by the Supreme Court in State of U.P. v.

Shambhu Nath Singh, reported in 2001 (4) SCC 667. The trial court is further directed to complete the trial within a period of eight months from the date of receipt of a copy of this order. If any of the accused continues to abscond, a fresh FIR can be registered against him under Section 229-A of IPC.

3. In the result, this criminal original petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Judicial Magistrate No.I,
Sankari, Salem District.
- 2.Do Through The Chief Judicial Magistrate,
Salem District.
- 3.The Inspector of Police,
Sankari Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Nandhakumar, Advocate, S.R.No.61135

Cr1.O.P.No.23761 of 2016

LRS (CO)
CA(24/11/2016)

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