

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2016

CORAM:

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

CrI.O.P. Nos.23945 of 2016 & 23946 of 2016

S. Anandhan

Petitioner in both the
CrI.O.Ps.

vs.

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

Respondent in both the
CrI.O.Ps.

Criminal Original Petitions filed under Section 482, Cr.P.C. seeking to direct the respondent police to fix time frame in disposing the cases in C.C.Nos.7268 and 7549 of 2007 respectively and directing the XXIII Metropolitan Magistrate, Saidapet, Chennai, to expedite the trial in C.C. Nos.7268 and 7549 of 2007.

For petitioner Mr. C.D. Johnson
in both the CrI.O.Ps

For respondent in Mr. C. Emalias
both the CrI.O.Ps. Addl. Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed seeking to direct the respondent police to fix time frame in disposing the cases in C.C.Nos.7268 and 7549 of 2007 respectively and directing the XXIII Metropolitan Magistrate to expedite the trial in the said cases.

2 Pursuant to the order dated 25.10.2016 passed by this Court, the XXIII Metropolitan Magistrate, Saidapet, Chennai, has sent a status report dated 18.11.2016, wherein, it is stated as under:

"I humbly submit that the case in C.C. No.7268/07 and 7549/07 in R7.Cr.No.884/06 and R7 Cr.No.885/16 taken on file on 07.10.2007 and 10.10.2007 respectively. In both cases, accused was present on 23.10.2007 and questioned on 01.11.2007 and posted for trial on 11.12.2007. The witness of this case LW1 to LW3 was present and examined on 22.02.2011 and cross examined on 01.04.2014, 20.05.2014, 19.08.2014. The Assistant Public Prosecutor dispensed the LW4 to LW12 from list of witness in C.C. No.7549/2007 and LW4, LW6, LW7, LW9 from list of witness in C.C. No.7268/07 on 20.01.2015 and the case was further posted for remaining witness on 10.02.2015 to 24.02.2015 and 24.02.2015, the accused was absent and issued NBW against the accused. The accused was surrender and recalled the NBW on 09.03.2015 and posted for witness on 07.04.2015. From 07.04.2015 to 24.10.2016, the case is in under trial stage for witness and posted for witness on 05.12.2016.

Further, I humbly submit that the counter case of above said cases in C.C. No.5952/07 and 6147/08 are posted for trial. All the four cases are pending for trial. From 07.04.2015 the prosecution witness not produced."

3 Mr. C.D. Johnson, learned counsel for the petitioner/accused submitted that the petitioner/accused is an accused in C.C. Nos.7268 of 2007 and 7549 of 2007 and that he is the de facto complainant in C.C.Nos.5952 of 2007 and 6147 of 2008.

4 Taking into consideration the fact that these cases are pending from 2007, the XXIII Metropolitan Magistrate, Saidapet, Chennai, is directed to complete the trial in C.C. Nos.7268 and 7549 of 2007, within a period of three months from the date of receipt of a copy of this order. Further, the petitioner/accused is directed to cooperate in the trial and cross-examine the witnesses on the day they are examined-in-chief, as held by the Supreme Court in Vinod Kumar vs. State of Punjab [(2015) 1 MLJ Cr1.288]. If the petitioner/accused adopts any dilatory tactics, it is open to the Trial Court to insist upon his presence and remand him to custody, as laid down by the Supreme Court in State of Uttar Pradesh vs. Shambhu Nath Singh [JT 2001 (4) SC 319]. If, thereafter, he absconds, the trial Court shall direct registration of an FIR against them u/s 229-A IPC.

These Criminal Original Petitions stand disposed of with the above directions.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

cad

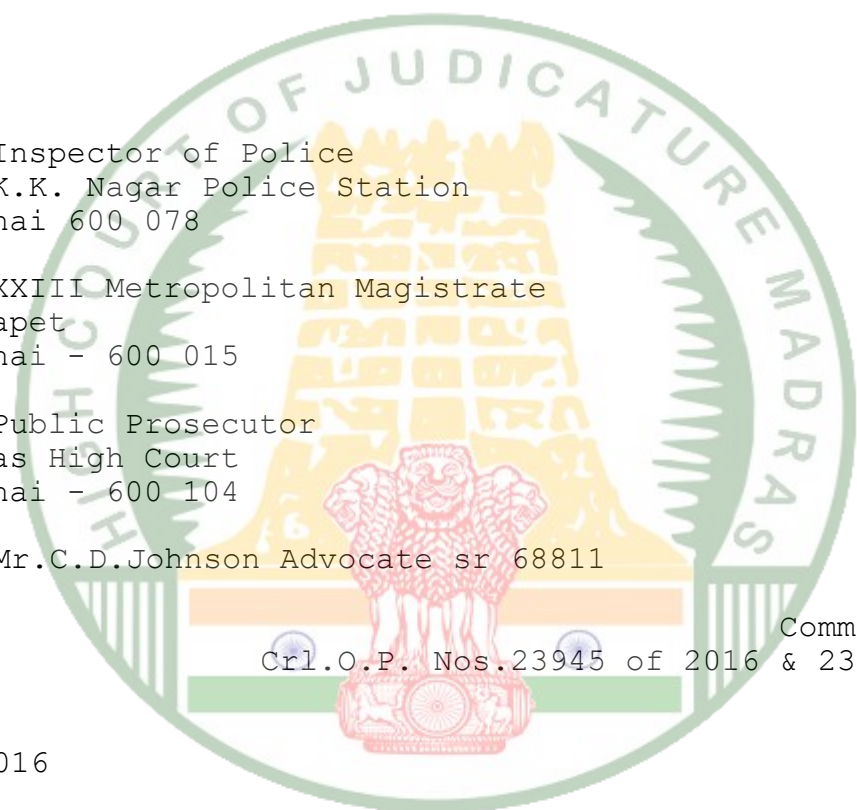
To

- 1 The Inspector of Police
R-7 K.K. Nagar Police Station
Chennai 600 078
- 2 The XXIII Metropolitan Magistrate
Saidapet
Chennai - 600 015
- 3 The Public Prosecutor
Madras High Court
Chennai - 600 104

+1 cc to Mr.C.D.Johnson Advocate sr 68811

Common order in
Crl.O.P. Nos.23945 of 2016 & 23946 of 2016

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