

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.24475 of 2016

P.Appavoo

..Petitioner

Vs

State by: The Inspector of Police
District Crime Branch, Salem District. . Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to issue direction to the Judicial Magistrate No.III, Salem to conclude the trial in C.C.No.42 of 2010 on the file of the Judicial Magistrate No.III, Salem within 6 months.

For Petitioner : Mr.B.Vasudevan
For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This petition has been filed to issue direction to the Judicial Magistrate No.III, Salem to conclude the trial in C.C.No.42 of 2010 on the file of the Judicial Magistrate No.III, Salem within 6 months.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. Pursuant to the order dated 09.11.2016, the learned Judicial Magistrate No.III, Salem has sent a report dated 23.11.2016, wherein it is stated as follows:

"I further humbly submit that since the case in C.C.No.42/2010 is connected with C.C.No.43/2010, 44/2010 and 45/2010 and all the above cases are based on the complaint and FIR in Cr.No.06/2008, simultaneous trial was ordered in the above said four cases and then examination of witnesses commenced and PW1 to PW6 were examined in this case and in the connected cases also some of the witnesses were examined and in this case there are totally 72 witnesses and now they are all working at

various parts of the state and due to the above said reasons only the trial in this case could not be completed within the stipulated time. I humbly request your Honour to condone the delay in completion of the trial in the above case and I further most humbly submit that since the order copy of CrI.O.P.No.24475/2016 was not found place in the bundle, I could not submit the requisition for extension of further time within stipulated time and the same may also be kindly excused.

I humbly request that further more time of 6 months may kindly be granted so as to complete the trial in this case after examination of the remaining 66 witnesses."

Accepting the explanation offered by the Judicial Magistrate No.III, Salem, six months time from the date of receipt of a copy of this order, as prayed for by the Magistrate, is granted for completing the trial. If the 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].

Accordingly, this petition is ordered.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gms

To

- 1.The Inspector of Police
District Crime Branch, Salem District.
- 2.The Judicial Magistrate No.III, Salem.
- 3.The Public Prosecutor, High Court, Madras.

gmi (CO)
md(22/12/2016)

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