

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM

THE HONOURABLE DR.JUSTICE P.DEVADASS

Cr1.O.P.No.2887 of 2016

Thiagarajan

..Petitioner

Vs.

1. Christraj
2. Muthukrishnan
3. Shanmugam
4. Chandramohan
5. Packirisamy
6. Sivakumar
7. Mohandoss
8. Nathigan
9. Antony Samy
10. Jayapal
11. Sankar
12. Balu

...Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the Lower Appellate Court, Sessions Court, Nagapattinam to dispose of the Appeal in C.A.No.56 of 2013 within the time frame that may be fixed by this Court.

For Petitioner: Mr.V.Chandrasekaran

ORDER

This petition is for direction to the learned Sessions Judge, Nagapattinam to dispose of C.A.No.56 of 2013 expeditiously.

2. The revision petitioner is the defacto complainant. He filed a private case against the respondents. After trial, the Trial Court convicted them in C.C.No.97 of 2008. As against that, they have filed Criminal Appeal in C.A.No.56 of 2013. It is pending before the learned Sessions Judge, Nagapattinam.

3. The grievance of the petitioner is that the Criminal Appeal is kept pending without any progress.

4. As directed, the learned Sessions Judge submitted his report.

5. I have anxiously considered the submissions of the learned counsel for the petitioner, perused the report of the learned Sessions Judge and materials on record.

5. The defacto is the victim of offence in this case. Speedy trial and speedy justice is not exclusive to the accused alone, it is also available to the victim. The victim is also interested to know the result of the case given by him. But speedy trial has to be provided by the Court. But, the defence and the prosecution shall facilitate the accomplishment of the same by their assistance to the Court.

6. Now, from the docket entries, it is seen that the Criminal Appeal is being adjourned from time to time. CrI.M.P.No.1502 of 2014 under section 391 Cr.P.C. filed by the appellants side is pending. It is not a bar to dispose of the Appeal. The Court has to hear the CrI.M.P. and C.A. together and decide them in accordance with law.

7. A other bottle neck stated by the Trial Court is that A1, a Revenue Official, sought for legal assistance from the Government and the District Collector sought for the list of advocates from the District Judge, the learned Judge had forwarded the request to the Bar Association. Engaging a counsel is look out of the accused. If no counsel is engaged to defend the accused, the Court can nominate a legal aid counsel to prosecute his Criminal Appeal provided A1 is eligible and qualified to get legal aid as per the Rules of the Legal Services Authority.

8. In the circumstances, the learned Sessions Judge, Nagapattinam is directed to dispose of the Criminal Appeal No.56 of 2013 in accordance with law within one month from the date of receipt of a copy of this Order. The learned Judge shall submit his completion report to the Registrar(Judicial), High Court, Madras. Accordingly, this Criminal Original Petition is disposed of.

vrc

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Sessions Judge, Nagapattinam.

Copy to:

The Registrar (Judicial), High Court, Madras.

+ 1 cc to Mr.V.Chandrasekaran, Advocate Sr 21952

KR/13/4/16

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