

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.6680 of 2016

Magesh

.. Petitioner/Accused

.. Vs ..

State rep. by:

The Inspector of Police (Crime),
J-5, Shasthri Nagar Police Station,
Chennai - 600 006.
Crime No.452/2013.

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to pass an order, directing the trial Court in ***C.C.No.1227/2015**, on the file of the IX Metropolitan Magistrate, Saidapet, Chennai, within the time as stipulated by this Court.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

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ORDER

The petitioner has come forward with the present petition seeking for a direction directing the learned IX Metropolitan Magistrate, Saidapet, Chennai, to dispose of the case in ***C.C.No.1227/2015** pending on his file, within the time as stipulated by this Court.

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

3. On a perusal of the records, it is seen that as per the direction issued by this Court on 28.03.2016, the learned IX Metropolitan Magistrate, Saidapet, Chennai, has sent a status report, in which, it is stated that the case in Crime No.452/2013 of J5 Shasthri Nagar Police Station (Crime) under Sections 341, 294(b), 392, 307 and 506(ii) IPC was filed against three persons. After the completion of the investigation, charge sheet was filed by the Inspector of Police, J5, Shasthri Nagar Police Station for the alleged offences under Sections 341, 387 and 506(ii) r/w. 34 of IPC and it was taken on file on 25.02.2015 as C.C.No.1227/2015 and summons were ordered to A.1 to A.3 for the hearing on

03.03.2015 and 31.03.2015. On 31.03.2015, A.1 and A.2 were appeared before the Court. Summons sent to A.3 could not be served by the prosecution till 15.06.2015 and hence, Non-Bailable warrant was issued against A.3. On 15.07.2015, A.1/Mahesh and A.2/Dayalan have filed a petition under Section 317(2) of Cr.P.C. to split up the case against A.3/Appu @ Venkatesan @ Mookan and the case against A/3 was split up from the C.C.No.1227/2015 and taken on file as C.C.No.4218/2015. In the said case in C.C.No.4218/2015, Non-Bailable Warrant was issued against A.3 and it was adjourned to 04.05.2016 for execution of the Non-Bailable Warrant issued against the accused. The case in C.C.No.1227/2015 was proceeded against A.1 and A.2 and after framing charges, the case was adjourned for production of the prosecution side evidence on 14.09.2015 and summons were issued to the prosecution for the production of L.W.1 to L.W.3 on 14.09.2015. In spite of repeated opportunities, the prosecution has not produced L.W.1 to L.W.3 before the Court till 21.03.2016. Now, the case is adjourned to 04.05.2016 for appearance of L.W.1 to L.W.3 on fresh summons.

4. Considering the facts and circumstances of the case, this Court is of the view that it is a fit case to issue a direction to the learned IX Metropolitan Magistrate, Saidapet, Chennai, to dispose of the case. Accordingly, the learned IX Metropolitan Magistrate, Saidapet, Chennai, is directed to dispose of the case in ***C.C.No.1227/2015** within a period of three months from the date of receipt of a copy of this order. As per the report of the learned IX Metropolitan Magistrate, Saidapet, Chennai, even though the case in C.C.No.1227/2015 was posted for several hearings, the respondent has not produced the L.W.1 to L.W.3. So, the respondent police is directed to produce the witnesses on 04.05.2016.

5. With the above directions, this Criminal Original Petition is disposed of.

Jrl

Sd/-

Asst.Registrar (CO)

Dated: 25.4.2016

*Corrected as per the order
of this Court dated 17.6.2016
and made herein

Sd/

Assistant Registrar

Dated: 1.7.2016

/true copy/

Sub Asst. Registrar

To

1. The IX Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police (Crime),
J-5, Shasthri Nagar Police Station,
Chennai - 600 006.
3. The Public Prosecutor,
High Court, Madras.

To be substituted
to the order
already despatched
on 28.4.2016

+ 1 cc to Mr.J.B.SOLOMON PETER KAMALDOSS, Advocate Sr 9712

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