

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.8663 of 2016

M.Uma

... Petitioner

Vs

State rep.by
The Inspector of Police,
T-4, Maduravoyal Police Station,
Maduravoyal,
Chennai-600 095.

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Judicial Magistrate No.II, Poonamallee, to expedite the trial in CC.No.1 of 2014 pending on its file within a time frame.

For Petitioner : Mr.D.Vijayababu

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

O R D E R

This petition has been filed to direct the learned Judicial Magistrate No.II, Poonamallee to expedite the trial in CC.No.1 of 2014.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor for the respondent and perused the materials placed on record.

3. Pursuant to the order passed by this Court, the learned Judicial Magistrate No.II, Poonamallee has sent a report dated 02.05.2016, wherein, he has stated that one or the other accused has filing discharge applications under Section 239 Cr.P.C. It is not necessary for the trial Court to entertain applications individually from accused. After ensuring that the accused are represented by Advocate, the trial Court is directed to consider the Police report, documents and after granting opportunity of being heard to the accused, proceed further, either to frame charges or discharge the accused.

4. Accepting the explanation offered by the learned trial Judge, this Court directs the learned trial Judge to expeditiously conduct the trial in CC.No.1 of 2014 and complete the same, within a period of eight months from the date of receipt of a copy of this order. The accused shall cross-examine the witnesses on the day, they are examined in-chief as held by the Hon'ble Supreme Court in Vinodh Kumar Vs State of Punjab reported in 2015[1] MCJ [Cr1] 288. If the accused adopts any dilatory tactics, it is open to the trial Court to remand them to custody as held by the Hon'ble Supreme Court in State of Uttarpradesh Vs Shambu Nath Singh reported in JT 2001[4] SC 319.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Judicial Magistrate No.II,
Poonamallee.

2.The Inspector of Police,
T-4, Maduravoyal Police Station,
Maduravoyal,
Chennai-600 095.

3.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.D.Vijayababu, Advocate, S.R.No.42827

Cr1.OP.No.8663 of 2016

RK(CO)
CA(17/08/2016)