



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P. (MD) No.14613 of 2016

P.Palaniappan

... Petitioner/A35

-Vs-

The Inspector of Police,
E.O.W.II,
Karur, Karur District.
Crime No.1 of 2007

... Respondent/Complainant

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Special Judge Under TNPID Act Cases, Madurai to split up the case against A18, namely, M.Gokulan, S/o.Murugaian in C.C.No.83 of 2008 on the file of the learned Special Judge under TNPID Act Cases, Madurai in Crime No.1 of 2007 on the file of the respondent police and to complete the trial within a time limit.

For Petitioner : Mr.A.K.Manickam

For Respondent : Mr.A.P.Balasubramani

O R D E R

This petition has been filed, seeking to direct the learned Special Judge under TNPID Act Cases, Madurai to split up the case against A18, namely, M.Gokulan, S/o.Murugaian in C.C.No.83 of 2008 on the file of the learned Special Judge under TNPID Act Cases, Madurai in Crime No.1 of 2007 on the file of the respondent police and to complete the trial.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. It is contended by the learned counsel for the petitioner that speedy trial is the fundamental right of the accused and therefore, this petition taken towards achieving speedy trial should be allowed. When this Court raised a question as to why such an application for speedy disposal was not taken out before the Trial Court, learned counsel for the petitioner would submit that the Trial Court was not even inclined to consider the petition filed under Section 311 Cr.P.C. to recall P.Ws.27 and 29,

alleging that NBW is pending as against A18.

4. It is represented by the learned counsel for the petitioner that the dispute between the petitioner, the defacto complainant and the remaining depositors has been settled and therefore, the trial may not take much time and therefore, the petition must be allowed.

5. The nature of the compromise, the terms and conditions of the compromise and the permissibility of the compromise are matters left open to be decided by the Trial Court. However, taking into account that there is a compromise and that the trial is pending for the past eight years, the Trial Court is directed to split up the case as against A18, namely, M.Gokulan, S/o.Murugaian in order to ensure speedy disposal of the case. The Trial Court is directed to take endeavour to dispose of the case as quickly as possible.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(Record)

/True Copy/

Sub Assistant Registrar

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To:

1. The Special Judge under TNPID Act Cases,
Madurai.
2. The Inspector of Police,
E.O.W.II, Karur,
Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.A.K.MANICKAM,Advocate, Sr.No: 46677

JAM/AAL-MPA/SAR III/20.09.16/ 2P-5C

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