



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD)No.3680 of 2016

and

Crl.M.P. (MD).Nos.1858 and 1859 of 2016

1. Rabiq Raja

2. Megar

... Petitioners

Vs.

1. State represented by
The Inspector of Police,
Thirunagar Police Station,
Madurai District
in Crime No.280/2009.

2. Deen

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet filed in C.C.No.273 of 2010 pending before the learned Judicial Magistrate No.VI, Madurai and quash the same as against the petitioners.

For Petitioners : Mr.R.Aravindan
For R1 : Mr.K.V.Rajarajan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.273 of 2010 on the file of learned Judicial Magistrate No.VI, Madurai as against the petitioners.

2. On 02.03.2016, this Court passed the following order:

"When the quash petition was taken up for hearing, the learned counsel for the petitioner submitted that it would suffice, if a direction to the trial Court to complete the trial, since the trial is pending from the year 2010. Under such circumstances, this Court directs the Registry to address a communication to the learned Judicial Magistrate No.VI, Madurai calling upon a report as to the reasons for the delay in completion of the trial in C.C.No.273/2010 and list the case on 23.03.2016. "

3. The learned Judicial Magistrate No.VI, Madurai has sent a communication dated 16.03.2016, wherein it is stated as follows:

" I humbly submit that the case pending in C.C.No.273 of 2010 on the file of this Court is a counter blast case to C.C.No.273/2010. In the case in C.C.No.273/2010 this Court was addressed the Deputy Director of Prosecution to appoint any one of the APP other than regular APP and the case stands posted to



24.03.2016 for the examination of Lws.1 to 3."

4. In view of the above, the Deputy Director of Prosecution, Madurai is directed to immediately depute an Assistant Public Prosecutor for the conduct of C.C.No.273 of 2010, in compliance with the request made by the learned Judicial Magistrate No.VI, Madurai and the Judicial Magistrate No.VI, Madurai is directed to dispose of the C.C.No.273 of 2010 within a period of four months from the date of receipt of a copy of this order. The petitioners are directed to co-operate in the conduct of the trial by engaging a counsel and cross-examine the prosecution witnesses, as and when they are examined in chief.

5. The learned counsel for the petitioners prayed that the presence of the second petitioner (A7) may be dispensed with, since she is an aged lady.

6. Accepting the submission, this Court directs the second petitioner/A7 to appear before the Trial Court for collecting the final report and other papers under Section 207 Cr.P.C., at the time of framing charges, for questioning under Section 313 Cr.P.C. and on the day of judgment. On all other dates, if the second petitioner file an application under Section 317 Cr.P.C., undertaking that she will not dispute her identity and that her counsel will cross-examine the prosecution witnesses in her absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If the second petitioner adopt any dilatory tactics, it is open to the Trial Court to insist upon her presence.

7. With the above direction, this Criminal Original Petition is closed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.VI, Madurai.
2. The Inspector of Police,
Thirunagar Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

AKV

TE/GSV-PM/ : 11/04/2016 : 2P/4C

Cr1.O.P. (MD) No.3680 of 2016
and
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23.03.2016