

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.5599 of 2017

and

Crl.MP.No.4194 of 2017

B.William Petitioner/Accused 5

Vs

State represented by
The Inspector of Police,
E4, Abiramapuram Police Station,
Chennai. Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed in unnumbered petition by SR No.5116 of 2017 dated 15.03.2017 in SC No.348 of 2015 on the file of the VII Additional City Civil Court, Chennai and permit the petitioner to represent the unnumbered petition and the same is disposed in accordance with law.

For Petitioner : Mr.R.Rajiv Gandhi

For Respondent : Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed to set aside the order dated 15.03.2017 passed by the learned VII Additional Sessions Judge, City Civil Court, Chennai in unnumbered petition in SR.No.5116 of 2017 in SC No.348 of 2015 and consequently, permit the petitioner to represent the said petition and direct the trial court to dispose of the same in accordance with law.

2. The case of the petitioner is that he has been arrayed as A5 in SC No.348 of 2015 on the file of the learned VII Additional Sessions Judge, City Civil Court, Chennai. Pending trial, he has filed a discharge petition stating that he is a practising Advocate and he was only giving legal support to the family of A3 and his name was wrongly included in the charge sheet, on account of Advocate - Police clash that took place on 17.09.2013 inside the campus of the High Court Buildings. By order dated 15.03.2017, the said petition was returned at SR

stage by the learned Judge, on the ground of delay in approaching the Court seeking discharge. Aggrieved over the same, the petitioner has come up with the present petition for the above stated relief.

3. Today, when the matter was taken up for consideration, learned counsel for the petitioner has brought the attention of this Court to the order dated 27.02.2017 passed by this Court in Crl.O.P.No.3616 of 2017 relating to the very same SC No.348 of 2015 and sought for similar relief in this petition as well, for which, learned Additional Public Prosecutor, who took notice for the respondent, has no serious objection.

4. This Court, by order dated 27.02.2017, disposed of the petition in Crl.O.P.No.3616 of 2017, which was filed by the defacto complainant seeking a direction to the learned VII Additional Sessions Judge, Chennai to dispose of the case in SC No.348 of 2015 within the stipulated time limit by conducting the trial on day to day basis. The relevant paragraphs of the said order read as follows:

"3.The learned Additional Public Prosecutor would submit that now one of the accused, namely, A6, has filed a petition to discharge and the same is pending, hence, the court below is not in a position to frame the charge.

4.In the above facts and circumstances, the learned VII Additional Sessions Judge, City Civil Court, Chennai is directed to take up the discharge petition and pass orders on the discharge petition within a period of 4 weeks from the date of receipt of a copy of this order and expedite the trial of the case in SC No.348 of 2015 and dispose of the same as expeditiously as possible, preferably, within a period of three months thereafter. The criminal original petition is ordered accordingly."

This Court is of the view that as the petitioner herein is one of the accused, viz., A5 in the above case, he is entitled to get the same relief as that of A6. Therefore, considering the facts and circumstances of the case, in order to provide an opportunity to the petitioner, this Court is inclined to set aside the order impugned herein.

5. Accordingly, the order dated 15.03.2017 passed by the learned VII Additional Sessions Judge, City Civil Court, Chennai in SR No.5116 of 2017 in SC No.348 of 2015 is set aside. The learned Judge is directed to number the discharge petition filed by the petitioner/A5 and dispose of the same, on merits and in accordance with law, within a period of four weeks from

the date of receipt of a copy of this order and thereafter, expedite the trial and dispose of the case in SC No.348 of 2015 on merits and in accordance with law, within a period of three months there from. In view of the same, the order dated 27.02.2017 passed by this Court in Crl.OP.No.3616 of 2017, with regard to disposal of SC No.348 of 2015, is modified as indicated earlier.

6. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

1. The VII Additional Sessions Judge, City Civil Court, Chennai.
 2. The Inspector of Police,
E4, Abiramapuram Police Station,
Chennai.
 3. The Public Prosecutor, High Court, Madras.
- +2 Ccs to Mr.R.Rajiv Gandhi, Advocate sr 17161

सत्यमेव जयते

Crl.O.P.No.5599 of 2017

NR II (CO)
sp/25/4

WEB COPY