

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.3723 of 2017

1.Dr.D.J.Christopher
2.Dr.Debashish Danda
3.Dr.V.Surekha

... Petitioners

Vs

State represented by
Inspector of Police,
Vellore North Police Station (Law & Order)
Vellore District.

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the trial court to complete the trial in STC No.224 of 2008 pending on the file of the Judicial Magistrate No.IV, Vellore within a period of three months.

For Petitioners : Mr.S.Ashok Kumar

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

ORDER

This Criminal Original Petition has been filed seeking a direction to the learned Judicial Magistrate No.IV, Vellore to complete the trial in STC No.224 of 2008 pending on his file, within a period of three months.

2. According to the petitioners, they are doctors by profession. Based on the complaint lodged by one P.Joybell, the petitioners along with other accused were charge sheeted in Cr.No.73 of 2007 for the alleged offences punishable under Sections 337 and 338 IPC. The said charge sheet was taken on file as STC No.224 of 2008 by the learned Judicial Magistrate No.IV, Vellore. Pending trial, the accused 1 to 5, except A6, who died subsequently, approached this Court by filing Crl.OP.No.20443 of 2008, which was by order dated 12.04.2010 allowed and the criminal proceedings in STC No.224 of 2008 stood quashed. The said order was challenged in Crl.A.No.469 of 2012 before the Hon'ble Supreme Court by the defacto complainant. By

judgment dated 11.03.2011, the said appeal was allowed and the matter was remanded back to the trial court for fresh consideration. Thereafter, no progress was made in the said proceedings. Hence, this petition.

3. Learned Additional Public Prosecutor submitted that after registration of the FIR, A6 Dr.Bala Subramanian reported to be dead. Learned Additional Public Prosecutor further submitted that the where about of A4 Dr.Alice George was not known. Therefore, he sought for appropriate direction to the trial Court in respect of those accused.

4. Considering the fact that the case is of the year 2008 and taking note of the submission made by the learned Additional Public Prosecutor, this Court directs the learned Judicial Magistrate No.IV, Vellore to verify and split up the case against A4 absconding accused and proceed further in respect of other accused and dispose of the criminal proceedings in STC No.224 of 2008, pending on his file, on merits and in accordance with law. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.IV,
Vellore.
2. The Inspector of Police,
Vellore North Police Station (L&O)
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Ashok Kumar, Advocate, S.R.No.18925

CrI.O.P.No.3723 of 2017

PA(CO)
CA(17/04/2017)