



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.3087 of 2017

and

CrI.M.P. (MD) No.2344 of 2017

1.S.Asokan

2.S.Venkaeswaran

: Petitioners/Accused
Nos.1 & 2

-Vs-

1. State rep. by,
The Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District.
(Crime No.159 of 2013)

.. Respondent/Complainant

2. P.Visavalingam,
S/o Periyathambi,
Village Administrative Officer,
Sendakottai.

: Respondent/Defacto
complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to quash C.C.No. 572 of 2013 on the file of the Judicial Magistrate, Pattukottai in Crime No.159 of 2013 on the file of the Inspector of Police, Athiramapattinam Police Station, Thanjavur District.

For Petitioner : Mr.S.K.Mani

For Respondents : Mr.K.Anbarasan,
Government Advocate (CrI.side)

O R D E R

When this Court was about to dismiss this petition on merits, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition with liberty to raise all the points before the trial Court.

2. Recording the same, this Criminal Original Petition is dismissed with liberty to the petitioners to raise all the points before the trial Court.



3. The learned Counsel for the petitioners submitted that a direction may be issued to the trial Court to complete the trial expeditiously.

4. Information called for from the trial Court reveals that the petitioners had not even appeared once before the trial Court and had not even received the copies of the documents under Section 207 Cr.P.C. This application itself has been filed by obtaining certified copies of the charge sheet and the statement recorded under Section 161 Cr.P.C. and not on the strength of the copies furnished by the trial Court under Section 207 Cr.P.C. Hence, the petitioners are directed to first appear before the trial Court and receive the final report. Thereafter, the trial Court is directed to complete the trial within a period of three months from the date of framing of charges, provided the petitioners cooperate in the trial by cross-examining the witnesses on the same day of their examination in chief as held by the Honourable Supreme Court in **Vinod Kumar Vs. State of Punjab**, reported in **2015(1) MLJ 288(SC)**. If the petitioners adopt any dilatory tactics, it is open to the trial Court to remand them to custody as per Section 309 Cr.P.C. and also as per the decision laid down by the Honourable Supreme Court in **State of U.P. Vs. Sambhunath Singh** reported in **2001(4) SCC 667**. If the petitioners abscond during the trial, a fresh F.I.R. can be registered against them under Section 229(A) I.P.C.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Pattukottai.
2. The Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Ssl/das

vb/skn/sar3/02.05.2017/2p/4c