

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 14.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH**Crl.O.P.(MD)No.4232 of 2017**

S.Navaneethan

: Petitioner

Vs.

State through Inspector of Police

District Crime Branch,

Tuticorin

(Crime No.1 of 2004)

: Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the learned Special Judge, TNPID Court, Madurai to dispose of the above case in C.C.No.98/2008 on the file of the Special Judge, TNPID Court, Madurai, within two weeks as this Court may deem fit and proper in the circumstances of the case.

For Petitioner

: K.A.Raamakrishnan

For Respondents

: Mr.K.Anbarasan

Government Advocate (Criminal Side)

ORDER

On the directions of this Court, the learned Special Judge, Special Court under TNPID Act Cases, Madurai, has sent a detailed report, dated 13.06.2017, wherein it is stated as follows:-

" I submit, I took charge as TNPID Judge on 2.5.2017. In obedience of Hon'ble High Court's Order, very short adjournment were given by me in this case. I submit NBW was pending against the accused A3, A4 and A5 on 09.05.2017, they were surrendered, and NBW issued against them was recalled. The case was posted day by day basis on various days like 08.05.17, 11.5.17, 12.05.17, 13.05.17, 15.05.17, 16.05.17, 17.05.17, 22.05.17, 25.05.17, 29.05.17, 31.05.17, 06.06.17, 07.06.17, 09.06.17, 12.06.17 and today 13.06.2017. On 25.05.17, three witnesses were present, the accused had settled the amount to the depositors L.W.60, L.W.64 and L.W.259. On 31.05.17, the accused had settled the amount to L.W.220. On 12.06.17, L.W.86, 87, 88, 89, 90 were present and the amount was settled by the accused to the said depositors. On 7.6.2017 this Court made specific endorsement in the Diary notes paper that all the



accused to be present on 09.06.17, for complying the order of Hon'ble High Court, but A5 alone was present and others were absent on that day.

I further submit that so far 90 witnesses were examined and 280 witnesses are yet to be examined, the case has been posted day to day basis even then this Court could not complete the case in time. Under this circumstances if I am not causing any inconvenience to Hon'ble High Court I pray that your Honour may kindly extend the time for another six month to dispose the case and oblige.

2. Accepting the report, this Court directs the learned Special Judge, Special Court under TNPID Act Cases, Madurai, to expeditiously complete the trial in C.C.No.98 of 2008, within six months from the date of receipt of a copy of this order. If any of the accused adopted dilatory tactics, it is open to the learned Trial Judge to remand him in custody in view of the law laid down in **State of U.P. v. Shambu Nath Singh [2001(4) SCC 667]**. If any accused absconds, a separate FIR can be registered against him under Section 299(A) Cr.P.C. The accused shall cross-examine the witnesses on the day when they are examined in Chief as directed by the Supreme Court in **Vinod Kumar vs. State of Punjab** reported in **2015 (1) Scale 542**.

3. With the above direction, this criminal original petition is closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1.The Inspector of Police
District Crime Branch,
Tuticorin.

2.The Special Judge, TNPID Court, Madurai.

+1 CC to M/s.K.A.RAMAAKRISHNAN, Advocate, SR No. 60642.

JIKR

PSM/KP/SAR1/27.06.2017/2P/4C

Order made in

Cr1.O.P. (MD) No.4232 of 2017

14.06.2017