



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL RC(MD) No.793 of 2013

VIGNESH

... PETITIONER/ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT,
(CRIME NO.82/2011)

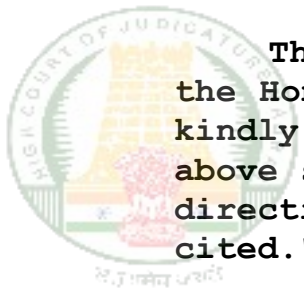
... RESPONDENT

Petition filed under Section 397 read with 401 Cr.P.C. to call for the records pertaining to the order of the Judicial Magistrate, Pattukottai made in Crl.M.P.No.10132 of 2013 in C.C.No.588 of 2012 dated 28.10.2013 and set aside the same.

Order : This Petition coming for hearing on this day and upon perusing the grounds of Petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.KARUNANITHI, Advocate for the Petitioner and of Mr.C.Mayilvahana Rajendran, Additional Public Prosecutor for the Respondent and this Court made the following Order:-

While disposing of Crl.R.C.(MD)No.793 of 2013 on 10.08.2017, this Court had directed the Trial Court to complete the trial and dispose of S.C.No.20 of 2015, within a period of three months from the date of receipt of a copy of the order. The learned Trial Judge has sent a communication dated 27.12.2017, wherein it is stated as follows:

"I further humbly submit that after direction issued by the Hon'ble High Court, this Court has examined 9 witnesses from the Prosecution side and further 3 witness are to be examined from the Prosecution side. I submit that in meanwhile a petition U/Sec.311 Cr.P.C. in Crl.M.P.No.688/2017 filed by the Defense side on 11.12.2017 to recall the witness PW1 and PW7 and to re-cross examination them and the objection by the Prosecution side filed on 21.12.2017 and the same is pending for the arguments and re-posted to 02.01.2018. Hence, I humbly submit that this Court is not able to dispose the S.C.No.20/2015 in time as per the direction of the Hon'ble Madurai Bench of Madras High Court, Madurai.



Therefore, I humbly submit and request your Honour that the Hon'ble Madurai Bench of Madras High Court, Madurai may kindly be granted further 3 months of time to dispose the above said S.C.20/2015 on the file of this Court as per the direction of the Hon'ble High Court in the reference cited."

2. Accepting the explanation, three months time is extended from the date of receipt of a copy of this order, provided the accused co-operates with the Trial Court by cross-examining the witnesses on the same day they are examined in chief, as directed by the Supreme Court in Vinod Kumar vs. State of Punjab reported in 2015 (1) Scale 542. If the accused adopts any dilatory tactics, it is always open to the learned Magistrate to remand the accused to custody, in view of the law laid down by the Supreme Court in State of U.P. vs. Shambhu Nath Singh reported in 2001(4) SCC 667. If the accused absconds, a fresh Information Report can be registered against him under Section 229-A of the Indian Penal Code.

Sd/-

Assistant Registrar(CSI)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI.

2.THE INSPECTOR OF POLICE
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

SML

RL/4C/2P/SKN/RSK/SAR4/5/2/2018

ORDER DATE : 29/01/2018
ORDER

CRL RC(MD) No.793 of 2013