

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.7644 of 2011
and
M.P.No.1 of 2011

Issac Paulraj
The Assistant Commissioner of Police
Mylapore District,
El Mylapore Police Station
Chennai - 600 004 ... Petitioner

Versus

K. Bangaru ... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C. No.3840 of 2010 and to quash the proceedings on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : No appearance

For Respondent : No appearance

O R D E R

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C. No.3840 of 2010 and to quash the proceedings on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

2.When the case was called up at 2.15 p.m., there was no representation on either side, hence, it was passed over and thereafter, when it was again called in the evening, then too no representation on the side of the petitioner and the respondent. Despite, the case has been listed under the caption "for dismissal" on 01.11.2018 and today, also there was no representation on either side.

3.An Interim stay has been obtained in CrI.M.P.No.1 of 2011 in CrI.O.P.no.7644 of 2011. For the past eight years, the Trial Court is unable to proceed with the trial due to the above Interim Stay. The Stay granted on 01.04.2011 is interim and thereafter, the stay has not been extended.

4.As per the Judgment reported in 2018 SCC 310 in the case of Asian Resurfacing of Road Agency Pvt. Ltd., and Another Vs. Central Bureau of Investigation, no stay is to be granted for a period of more than six month, unless extended by a speaking order. In this case no extension of stay has been granted. There has been no representation on the side of the both parties.

5. The Lower Court is made clear that there has been no stay subsisting in the above case and hence, the trial in C.C.No.3840 of 2010 has to be proceeded forthwith. The Trial Court is directed to take into account the fact that the above case is pending for more than eight years without any progress and the Trial Court is directed to complete the trial in C.C.No.3840 of 2010 within a period of four months from the date of receipt of copy of this order.

With the above direction, the Criminal Original Petition is dismissed for non-prosecution. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

lbm

To

1.The Chief Metropolitan Magistrate,
Egmore, Chennai.

2.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.7644 of 2011
and M.P.No.1 of 2011

SSD(CO)
CSL/03.01.2019