

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.09.2018

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.R.C.Nos.960 & 1011 of 2018 &
Crl.M.P.Nos.11073 & 11853 of 2018

Crl.R.C.No.960 of 2018

V.Udayakumar

..Petitioner/Accused-1

Vs.

State represented by the
Superintendent of Police
CB CID Police, Pondicherry,
Crime No.40/2017
...Respondent/Complainant

Crl.R.C.No.1011 of 2018

J.Senkathirvan

...Petitioner/Accused-2

Vs.

Union Territory of Puducherry,
Represented by
the Inspector of Police,
Thirubhuvanai Police Station, (Crime No.40/2017)
Puducherry,
Investigated by CID Police Station,
Puducherry

... Respondent/Complainant

PRAYER in Crl.R.C.No.960/2018: Revision Petition is filed under Section 397 r/w. 401 of the Code of Criminal Procedure to set aside the order dated 24.07.2018 passed in Crl.M.P.No.93 of 2018 in S.C.No.33 of 2017 renumbered as Special SC.No.19/2018, on the file of the II Additional Sessions District & Sessions Judge/Special Judge, SC/ST Act, Pondicherry and Discharge the petitioner/Accused 1 from the above SC.No.33/2017 renumbered as Special SC.No.19/2018, pending on the file of the II Additional Sessions Judge/Special Judge, Pondicherry.

PRAYER in Crl.R.C.No.1011/2018: Revision Petition is filed under Section 397 r/w. 401 of the Code of Criminal Procedure to call for the records and set aside the order dated 24.07.2018 made in Crl.M.P.No.138 of 2018 in S.C.No.33 of 2017 (Now renumbered as Special SC No.19 of 2018) on the file of the

learned II Additional Sessions Judge/Special Judge (under Scheduled Caste & Scheduled Tribe (Prevention of Atrocities Act), 1989, Puducherry and allow this criminal revision case.

For Petitioner in

Crl.R.C.No.960/2018 : Mr.G.Shankaran

Crl.R.C.No.1101/2018 : Mr.S.Karthikeyan

For Intervenor

in both Crl RC : Mr.C.Prabhakaran

For Respondents

in both Crl RC : Mr.Bharathachakaravarthy,
Public Prosecutor (Puducherry)

COMMON ORDER

These petitions have been filed by A1 and A2 to set aside the order dated 24.07.2018 passed in Crl.M.P.No.93 of 2018 and Crl.M.P.No.138 of 2018 in S.C.No.33 of 2017 renumbered as Special SC.No.19/2018, on the file of the II Additional Sessions District & Sessions Judge/Special Judge, SC/ST Act, Pondicherry and to discharge the petitioners/A1 and A2 from the said case.

2.According to the petitioners, they have filed the petitions in Crl.M.P.Nos.93 and 138 of 2018 on the file of the II Additional District & Sessions Judge, Puducherry, under Section 227 of the Code of Criminal Procedure, seeking to discharge from the charges levelled against them.

3. After elaborate discussion, the Court below dismissed the petitions on 24.07.2018. As against the order of dismissal, these revisions have been preferred.

4.The learned counsel for the petitioners would submit that though several grounds raised in this revision petition, in order to canvass as if the petitioners have not committed any such offence and no materials available to implicate them on the above said crime. However, the learned counsel for the petitioners, on instructions would further submit that without going into the merits of the case, it would suffice to issue a direction to the II Additional Sessions Judge, Puducherry, to complete the trial, within a period of 18 months.

5.Heard the learned counsel for the petitioners as well as the learned Public Prosecutor (Puducherry) for the respondent.

6.Considering the limited prayer sought for by the learned counsel appearing for the petitioners, this Court is inclined to issue a direction to the Court below to complete the trial in S.C.No.33 of 2017 (now renumbered as Special SC No.19 of 2018) within a period of 18 months from the date of receipt of a copy

of this order and liberty granted to the petitioner to raise all grounds in the trial, in accordance with law. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The II Additional Sessions District
& Sessions Judge/Special Judge,
SC/ST Act, Pondicherry
- 2.The Public Prosecutor,
High Court, Chennai.
- 3.The Superintendent of Police,
CBCID Police, Pondicherry,
- 4.The Inspector of Police,
Thirubhuvarai Police Station,
Puducherry.
- 5.The II Additional Sessions Judge,
Puducherry.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.63216

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.62743

+2cc to the Public Prosecutor, Pondicherry S.R.No.62391 and 62392

CrI.R.C.Nos.960 & 1011 of 2018 &
CrI.M.P.Nos.11073 & 11853 of 2018

NMI (CO)

rrs 07/09/2018

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