

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2018

C O R A M

THE HON'BLE Mr.JUSTICE N. ANAND VENKATESH

Criminal Revision No.1435 of 2011

1.T.Ravichandran
2.N.Ravichandran
3.Selvaraj
4.A.Arumaikannu

.... Petitioners/
Accused No.1 to 4

Versus

The State of Tamilnadu
Rep. By,
The Inspector of Police,
Srimushnam Police Station,
Srimushnam,
Cuddalore (Dist) ... Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Section 397 R/w 401 Code of Criminal Procedure praying to call for the records in C.M.P.No.501 of 2007 in C.C.No.162 of 2006 on the file of the Court of Judicial Magistrate No.II, Virudhachalam and set aside the impugned order as illegal, malafide and not in accordance with law by allowing the C.M.P.No.501 of 2007 as prayed for.

For Petitioners ... Mr.S.Muthiah

For Respondent ... Mrs.M.Prabhayathi Ganeshan
Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been filed against an order dated 26.11.2007 made in C.M.P.No.501 of 2007 where the trial court dismissed the discharge petition filed by the petitioners who are the accused in C.C.No. 162 of 2016.

2. From the typed set of papers filed on the side of the petitioners, it can be seen that during the year 2008, a Criminal Original Petition was filed in CrI.O.P.No.2514 of 2018 to quash the final report in C.C.No.162 of 2006. This Court

after considering the allegation made in the final report and the statement of witnesses found that there was no ground to quash the proceedings. In fact, this Court also took into consideration, the dismissal of the discharge petition in paragraph 4 of the said order dated 18.03.2011.

3. After having suffered an order of dismissal in the quash petition, the petitioners/accused have chosen to challenge the order dismissing the discharge petition after nearly 4 years in the year 2011 and that to after the dismissal of the quash petition.

4. This Court does not find any ground to interfere with the order passed by the Court Below in the discharge petition and does not find any illegality or perversity in the findings of the Court below while dismissing the petition for discharge.

5. The learned Additional Public Prosecutor brought to the notice of this Court that the case is at the stage of trial. This is a case where final report has been filed as early as in the year 2006. It is also brought to the notice of this Court that summons have been issued to the witnesses and the above case is posted for hearing on 12.06.2018 for examination of witnesses.

6. Taking into consideration the long delay that is occasioned in the progress of the case, the learned Judicial Magistrate-II, Virudhachalam is directed to conduct the trial on a day to day basis and consider the case on its own merits without being influenced by the order passed by this Court and complete the case as expeditiously as possible but not later than three months from the date of receipt of a copy of this Order. The petitioner is also directed to cooperate with the trial Court in disposing of the C.C.No.162 of 2006 within the time limit has been fixed by this Court.

7. In the result, the Criminal Revision is dismissed with the above directions.

8. Registry of the learned Judicial Magistrate-II, Virudhachalam is directed to report compliance of the order after the completion of the case within the time stipulated by this Court.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate-II, Virudhachalam.

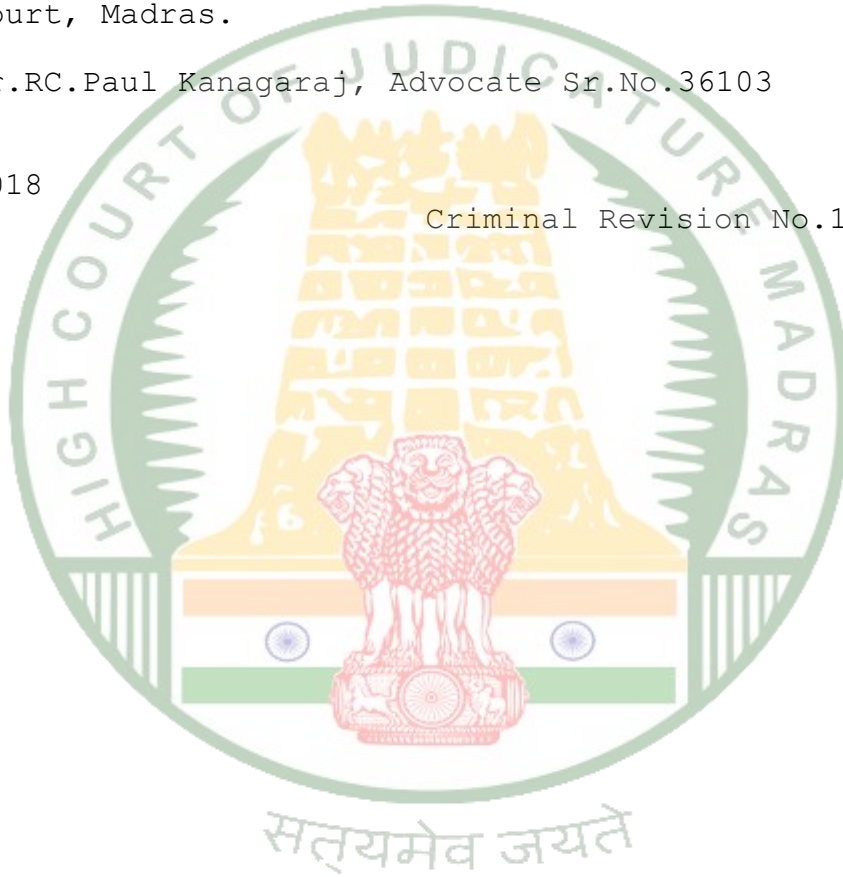
2.The Inspector of Police, Srimushnam Police Station,
Cuddalore District.

3.The public Prosecutor,
High Court, Madras.

+1cc to Mr.RC.Paul Kanagaraj, Advocate Sr.No.36103

CNR(CO)
sm:27.6.2018

Criminal Revision No.1435 of 2011



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