

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.10958 of 2018
and
Crl.MP.Nos.5617 & 5618 of 2018

1.Irfan Sherif

2.Vekataramanan K.

...Petitioners

Vs.

1.The State rep. by
The Asst. Commissioner of Police
Cyber Crime Cell
Central Crime Branch
Chennai.

2.TSP Shanmugha Raja
Dot Com Inforway Pvt. Ltd.,
3rd Floor, Aarthi Chambers,
No.189, Anna Salai,
Chennai-600 002.

.... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records and quash the proceedings in C.C.No.623 of 2012 on the file of the Honourable Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioners : Mr.Ashfaq Rafi

For Respondents : Mrs.Kritika Kamal.P.
Government Advocate (Crl.Side)
For R1.

O R D E R

This criminal original petition has been filed to call for the records and quash the proceedings in C.C.No.623 of 2012 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

2. The petitioners are facing prosecution in C.C.No.623 of 2012, before the Chief Metropolitan Magistrate, Egmore, Chennai, for the offences under Sections 120-B & 408 IPC and Section 66 of the Information Technology Act, 2000.

3. It is the case of the prosecution that the defacto complainant is a Software Development Company, which had created certain softwares and that the accused herein have conspired to

lift the softwares stealthily and make profit out of it. Since there are sufficient materials against the accused in the charge sheet and in the accompanying statements of the witnesses recorded by the police under Section 161 Cr.P.C, this is not a fit case to quash the prosecution. It is seen that the trial has not progressed from the year 2012 onwards. Hence, the trial Court is directed to complete the trial in C.C.No.623 of 2012, within a period of eight months from the date of receipt of a copy of this order. If any accused are absconding, the case against them can be split up and the evidence can be recorded under Section 299 Cr.P.C.

4. With the above direction, this petition is closed. Consequently, connected miscellaneous petitions are closed.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

mk

To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.
2. The Asst. Commissioner of Police
Cyber Crime Cell
Central Crime Branch
Chennai.
3. The Government Advocate (CrI. Side)
High Court, Madras.

+1 cc to Mr.Md.Ashfaq Rafi, Advocate SR.NO. 25778

WEB COPY

CrI.O.P.No.10958 of 2018

JK 16/04/18