

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.06.2018
CORAM
THE HON'BLE MR.JUSTICE P.N.PRAKASH
Crl.O.P. No.11235 of 2018

N.Rukmani ... Petitioner/Defacto
Complainant

vs.

1. The Inspector of Police,
V-4 Rajamangalam Police Station,
Rajamangalam,
Chennai - 600 049. ...Respondent/Complaint
2. K.Girija
3. Kamalanathan
- 4.Mohammed Mohideen ... Respondents/Accused 2 to 4

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Hon'ble Presiding Officer of the Chief Metropolitan Magistrate, Allikulam, Chennai - 600 003 for quick disposal in C.C.No.4162/2011.

For petitioner : Mr.R.Thanjan
For Respondent : Ms. P. Kritika Kamal
Government Advocate (Crl.Side) for R1

O R D E R

This Criminal Original Petition has been filed seeking to direct the Hon'ble Presiding Officer of the Chief Metropolitan Magistrate, Allikulam, Chennai - 600 003 for quick disposal in C.C.No.4162/2011.

2. Today, Mrs. M. Geetha, Grade I Police, V4 Rajamangalam Police Station was present in the Court. Based on the complaint lodged by the petitioner, a case in Cr. No.610/2010 was registered and after completing the investigation, charge sheet has been filed in C.C. No.4162/2011 before the Chief Metropolitan Magistrate, Egmore against three accused, for the offences under Section 448, 323, 427, 506 (ii) IPC and 3(1) of TNPPPD Act.

3. It is the case of the defacto complainant that the trial court is not taking effective steps to complete the trial and therefore the defacto complainant has filed the present petition for a direction to the trial court to expeditiously complete the trial. This Court called for a report from the trial court and accordingly the Chief Metropolitan Magistrate has sent a report dated 24.04.2018

wherein she has stated as follows :-

" This case was taken on the file of this Court on 29.09.2011 in C.C.No.4162/2011 against the accused Giriya and 2 others. In this case, A1 and A2 were appearing before this Court. Summons to A3 was ordered to be issued, but, A3 was not present before this Court for a long time since 06.03.2011 till date. Hence, this case was ordered to be split up against A3. Hence, this case has been split up against A3 in C.C.No.3026/2018. Now the accused A1 and A2 are also absent since 05.10.2017. The petition under Section 317 of Cr.P.C. filed and allowed. The delay is neither willful nor wanton. It is due to the non-cooperation of accused. The case against A3 has been split up. Now, the case stands posted to 02.05.2018. "

4. In view of the above, the Chief Metropolitan Magistrate, Egmore is directed to complete the trial within six months from the date of receipt of a copy of this order. If the accused does not co-operate, they can be remanded to custody, in the light of the law laid down by the Supreme Court in the case of State of Uttar Pradesh v. Shambu Nath Singh, JT 2001 (4) SC 319.

5. The Criminal Original Petition is disposed of, with the above direction.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

avr
To

1. The Inspector of Police,
V-4 Rjamangalam Police Station,
Rajamangalam,
Chennai - 600 049.

2. The Public Prosecutor
High Court of Madras
Chennai.

+1cc to Mr.R.Thanjan, Advocate SR.No.34532

SKS(CO)
sm:20.6.2018

CrI.O.P. No.11235 of 2018