

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.12304 of 2018

E.M.Sekar

.. Petitioner

Vs

1. State rep. by the
Superintendent of Police,
Dharmapuri,
 2. The Inspector of Police,
District Crime Branch,
Dharmapuri,
 3. K.K.162,N.S.Reddiyar Primary Agricultural
Co-operative Credit Society,
Represented by its Special Officer,
N.S.Reddiyar Post,
Dharmapuri District.
- .. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying for expeditious trial pending in CC.No.81 of 2014 on the file of the Judicial Magistrate No.II, Dharmapuri.

For Petitioner : Mr.G.Arul Murugan

For R1 & R2 : Mr.C.Iyyappa Raj, APP

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.II, Dharmapuri for expeditious trial in CC.No.81 of 2014.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3.Pursuant to the directions issued by this Court, the learned Judicial Magistrate No.II, Dharmapuri has sent a report dated 25.05.2018, where in, she has stated as follows:

"I most humbly submit that the prosecution side produce the witness LW1 and LW2 on 21.10.2016 were examined as P.W.1 and P.W.2 Subsequently, LW3 to LW5 were examined on 04.04.2017. Thereafter, witness summons issued to LW6 to LW9, but the prosecution failed to produce the witnesses.

I further most humbly submit that P.W.1 to P.W.5 were not cross examined by the side of both accused. In the meanwhile, the counsel for the first accused preferred an application in C.M.P.No.651/2018 to recall P.W.1 to P.W.5 and after hearing of the both sides, the petition is allowed.

I further most humbly submit that the case is posted on 31.05.2018 to issue summons to P.W.1 to P.W.5 on payment of process by the first accused.

I most humbly submit that I will dispose the case at the earliest and request your Honour to accept my explanation."

4. In view of the above, the trial Court is directed to complete the trial in CC.No.81 of 2014 within a period of six months from the date of receipt of a copy of this order, provided the accused cooperates by cross-examining the witnesses, on the day they are examined in-chief as held by the Supreme Court in Vinodh Kumar Vs State of Punjab [2015[1] MLJ [Cr1] 288]. If the accused adopts any dilatory tactics, the trial Court can remand them to custody, in the light of the law laid down by the Supreme Court in State of Uttarpradesh Vs Shambhu Nath Singh [JT 2001[4] SC 319]. If any of the accused absconds, a fresh FIR can be registered against them under Section 229A IPC.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dua/gya

To

1. The Superintendent of Police,
Dharmapuri.

2. The Inspector of Police,
District Crime Branch,
Dharmapuri.
3. The Public Prosecutor,
High Court, Madras.
4. The Judicial Magistrate No.II,
Dharamapuri

+lcc to Mr.G.Arul Murugan, Advocate, S.R.No.53010

CRL.OP.No.12304 of 2018

VSNI(CO)
CS/21/08/18



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