

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2018

CORAM

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

CRL.O.P.No.24684 of 2013

and

M.P.Nos.1 & 2 of 2013

Chandra Kumar @ Babu

.. Petitioner/Accused No.5

Vs

The State of Tamil Nadu,
rep. by the Inspector of Police,
CBCID, Metro Wing,
Chennai-2.

.. Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.9203 of 2010 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai-15 and quash the same.

For Petitioner : Mr.V.Bhiman
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

The petitioner is the 5th accused in C.C.No.2595/2017 on the file of the CBCID Special Court, Allikulam, Chennai.

2. The Inspector of Police CBCID, Madras II, registered an FIR in Crime No.10/1994, on the basis of the complaint given by one Mr.Krishnan Vital Dev, Manager, LKP Merchant Finance Limited, No.769, Anna Salai, Chennai-2, against the accused Surendran @ Suri, who is working for Champion Travel, Nungambakkam High Road, Chennai for the alleged offences punishable under Sections 465, 468, 471 and 420 IPC. On conclusion of investigation, the Inspector of Police, Crime Branch CID Metro Wing, Chennai-2 filed a final report before the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai-8 against 13 accused, including the present petitioner in C.C.No.6197/2004 for the alleged offences punishable under Sections 120-B, 420, 467, 471, r/w.109 IPC and r/w. 467, 420, r/w.511 and subsequently, C.C.No.6197/2004 was transferred to

the learned XI Metropolitan Magistrate, Saidapet, Chennai and renumbered as C.C.No.9202/2010. Thereafter, the case, against the accused Nos.1, 6, 8, 9, 10 and 12 were split up and transferred to CCB, Crime Branch CID, Special Court, Allikulam and renumbered as C.C.No.2595/2017. Now, A2, A3, A4, A5, A6, A7 & A11 are facing trial before the CCB, Crime Branch CID Special Court, Allikulam, Chennai-3 in C.C.No.2595/2007.

3. Mr.V.Bhiman, learned counsel appearing for the petitioner would contend that the petitioner is only a printer and that he printed the Air Tickets as per the instructions of his client and that he has not committed any offence as projected by prosecution. His another submission is that since the complaint is of the year 1944, the accused cannot be asked to face the trial after a lapse of more than 20 years.

4. Per contra, the learned Government Advocate (Crl.Side) would contend that final report was filed before the Additional Chief Metropolitan Magistrate, Egmore, Chennai-8 and subsequently, transferred to the learned Metropolitan Magistrate, No.I and thereafter transferred to CBCID and that non bailable warrants were issued against A1, A6, A8, A9, A10 and A12 and the cases were also split up as against them and again transferred to the CCB, Crime Branch CID Special Court, Allikulam, Chennai-3, in the year 2017. It is also his contention that action against sureties were taken and some of the absconding accused are residing in Sri Lanka. His specific contention is that the prosecution alone cannot be blamed for the delay.

5. The main contention of the petitioner is that he has been falsely implicated in the present case and that he had printed the Air Tickets as per the instructions given to him by his client. At the out set, it may be observed that the petitioner, who is said to be running a printing press, does not have any authority to print the Air Tickets and in any event the truth or otherwise of the allegations cannot be decided in the instant petition. This Court also cannot conduct any roving enquiry in this regard.

6. However, since the case is pending for a long time before the CCB, Crime Branch CID Special Court, Allikulam, Chennai-3, the learned Judicial Magistrate is directed to dispose of the case in C.C.No.2595/2017 within a period of three months from the date of receipt of a copy of this order.

7. In the result, this petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dss/mpa

To

1. The learned XI Metropolitan Magistrate,
Saidapet, Chennai-15.
2. The CCB, Crime Branch CID Special Court,
Allikulam, Chennai-3.
3. The Inspector of Police,
CBCID, Metro Wing,
Chennai-2.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Bhiman, Advocate, S.R.No.53606

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SPD(CO)
GSP(03/08/2018)

सत्यमेव जयते

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