

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2018

CORAM:

THE HON'BLE MR.JUSTICE B. PUGALENDHI

Crl.O.P.No.18146 of 2010

and

M.P.No.1 of 2010

A.Natarajan

... Petitioner/A4

/Vs/

State represented by:

The Inspector of Police,

C.C.I.W. Vellore,

Vellore District,

[Crime No.6 of 2007]

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the entire records in C.C.No.29 of 2010 on the file of the Judicial Magistrate No.II, Vellore, Vellore District and quash the same.

For Petitioner/Accused : No Appearance

For Respondent/Complainant : Mr.T.Shunmuga Rajeswaran
[Government Advocate (Crl. Side)]

O R D E R

The petitioner has filed this Criminal Original Petition to quash the final report, pending as against him, in C.C.No.29 of 2010 on the file of the learned Judicial Magistrate No.II, Vellore District.

2. When the matter was taken up for hearing in the morning session, none appeared on behalf of the petitioner and therefore, the matter was passed over. Again, when the matter was taken up at 04.30 pm, there was no representation for the petitioner.

3. Learned Government Advocate (Crl. Side), on instructions, submitted that the final report was filed in the year 2010 and trial has already been commenced. He further submitted that out of 63 witnesses, 10 witnesses have already been examined. Therefore, he prays for dismissing the present petition.

4. Perusal of the record (order sheet) shows that for most of the hearing, either there was no representation for the petitioner or the matter was adjourned at the instance of the

petitioner. Even on 30.11.2018, when the matter was listed for hearing, there was no representation for the petitioner. When the matter was taken up for hearing on 05.12.2018 & 06.12.2018, it was adjourned at the instance of the learned Counsel for the petitioner. Even today, there is no representation on behalf of the petitioner. Therefore, this Court has to presume that the petitioner is not interested in pursuing this petition.

5. The present petition is filed in the year 2010 and for the past eight years, this petition is pending before this Court without any progress, thereby stalling the proceedings before the trial Court. Under such circumstances, this Court is not inclined to grant any further adjournment and proceeds with the matter.

6. It is seen that the final report was filed as against the petitioner for the offence punishable under Sections 120(B) (i), 408 r/w 35, 467, 471 and 477 IPC, in the year 2010 and according to the learned Government Advocate (Crl. Side), trial has already been commenced and out of 63 witnesses, PW1 to PW10 have already been examined.

7. It is a settled position of law that once the trial of the case has commenced, then the proper course to be adopted by the High Court is to allow the proceedings to go on and to come to its logical conclusion, one way or the other.

8. Hence, this Court is not inclined to entertain this criminal original petition and the same is accordingly dismissed, leaving it open to the petitioner to raise all these grounds, that are raised in this petition, before the trial Court. Considering the age of the proceedings, the trial Court is directed to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

सत्यमेव जयते Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

msm/gk

To

1.The Judicial Magistrate No.II,
Vellore, Vellore District.

2.The Inspector of Police,
C.C.I.W. Vellore, Vellore District.

3.The Public Prosecutor
High Court of Madras,
Chennai.

+1 cc to M/s.M.Selvam, Advocate SR.No.85327

Cr1.O.P.No.18146 of 2010

CSL/13.05.2019



WEB COPY