

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.27956 of 2018

1.A.Sashibooshana Mishra

2.K.Usha

3.K.Rajaram

4.Baburao R.Barapatrae

...Petitioners/Accused 2 to 5

Versus

The Inspector of Police,
Central Crime Branch,
Egmore,
Chennai.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to recall the Non-Bailable Warrant issued against the Petitioners/Accused 2 to 5 in C.C.No.1609 of 2008, pending on the file of the Additional Chief Metropolitan Magistrate for CCB/CBCID, Allikulam, (Egmore), Chennai.

For Petitioners : Mr.N.Baaskaran

For 1st Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to recall the Non-Bailable Warrant issued against the petitioners in C.C.No.1609 of 2008.

2.The petitioners are facing trial before the Court below for an offence under Section 408, 477 A, 467, 471 read with 467, 420, 511 read with 420, 408 read with 109 and 420 read with 109 I.P.C. There are totally eight accused persons in this case and already the case is split up with regard to one of the accused person and the petitioners are A2 to A5.

3. When the matter came up for hearing on 25.09.2018, the counsel representing the petitioners filed a petition under Section 317 of Cr.P.C to dispense with the appearance of the petitioners. However, the petition was dismissed and the Non-Bailable Warrant was issued against the petitioners.

4. The learned counsel for the petitioners would submit that there are totally 46 witnesses in this case and the prosecution has examined only 17 witnesses till now. There was already an order passed by this Court in CrI.O.P.No.10108 of 2018, dated 02.06.2017, wherein, the Court has directed the proceedings have been completed within a period of six months from the date of receipt of a copy of the order. Thereafter, the time was further extended for six months by an order dated 23.03.2018. However, the case is pending before the Court below till date and only 17 witnesses have been examined.

5. Considering the submission of the learned counsel for the petitioners, the petitioners are directed to appear before the Additional Chief Metropolitan Magistrate for CCB/CBCID, Allikulam, Egmore, within a period of two weeks from today and to file a petition to recall the NBW and the Court below is directed to consider the same on merits and pass orders on the same day.

6. This Criminal Original Petition is disposed of, with a direction to the Court below to complete the proceedings positively by 31.03.2019. It is made clear that no further extension of time will be granted by this Court.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

vv2/rpl

To

1. The Additional Chief Metropolitan Magistrate for CCB/CBCID, Allikulam, Egmore, Chennai.

2. The Inspector of Police,
Central Crime Branch,
Egmore,
Chennai.

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3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.N.Baaskaran, Advocate sr.no.83082

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