



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD)No.17994 of 2018

and

Crl.M.P. (MD)No.7993 of 2018

1.Murugan
2.Krishnan
3.Manikumar
4.Raja Ravi
5.Amitha Pachan

... Petitioners/Accused 1,2 and 4 to 6

Vs.

The State Rep.by
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
(in Crime No. 74 of 2018)

... Respondent/Complainant

PRAYER: Petition is filed under Section 482 Cr.P.C., to set aside the order dated 01.10.2018 passed in Crl.M.P.No.836 of 2018 in S.C.No.467 of 2018 by the learned IV Additional Sessions Judge, Tirunelveli.

For Petitioner : Mr.R.Anand
For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate(Crl.side)

O R D E R

The Criminal Original Petition has been filed to set aside the order dated 01.10.2018 passed in Crl.M.P.No.836 of 2018 in S.C.No.467 of 2018 by the learned IV Additional Sessions Judge, Tirunelveli.

2.This Court by order dated 24.07.2018 in Crl.O.P.(MD)No.12344 of 2018 has passed the following order:

"5.The learned Additional Advocate General appearing for the State submitted that the final report will be filed in full without leaving any scope for returning the same. The concerned jurisdictional Court is directed to take the same on file forthwith. The entire committal proceedings will be finalized within a period of two weeks from the date of receipt of a copy of this order. The learned Principal Sessions Judge, Tirunelveli, is also directed to assign the case to the concerned Court immediately. Thereafter, without any delay, the trial Court to which the case will be assigned, shall conduct



the trial on day to day basis and conclude the entire trial proceedings within a period of three months thereafter."

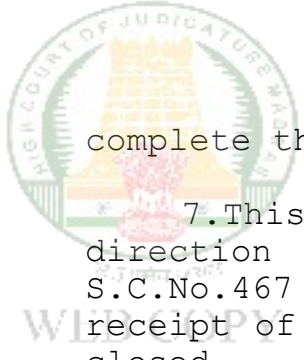
Thereafter the case was committed and trial has also been commenced before the Fourth Additional Sessions Court, Tirunelveli. On the side of the prosecution, 24 witnesses were examined and they have also been cross-examined. When the last witness, namely, Investigating Officer was examined in chief as P.W.25, the learned counsel appearing for the accused persons suffered severe heart attack. Thereafter, the learned counsel has been admitted in Caveri Hospital, Chennai. Therefore, the petitioners sought for time to cross-examine P.W.25. However, the Court below has rejected the same on the ground that this Court has already fixed three months time limit to complete the proceedings.

3.The learned counsel appearing for the petitioners herein would submit that the learned counsel appearing for the accused persons had cross-examined all the witnesses on the very same day and when cross-examining the Investigating Officer / P.W.25, unfortunately, learned counsel suffered heart attack and he has been admitted in the hospital to undergo open heart surgery and it will take at-least three months time for the counsel to recover. The learned counsel further submitted that the accused persons will not file any petition for bail in the meantime and they want the same counsel to cross-examine P.W.25.

4.The learned Government Advocate (Crl.side) appearing for the respondent / Police submitted that the prosecution has examined 24 witnesses and the Investigating Officer / P.W.25 alone is to be cross-examined by the accused persons.

5.This Court is of the considered view that the petitioners have extended their cooperation at the time of trial by cross-examining all the witnesses, who were examined on the side of the prosecution. Unfortunately, the learned counsel representing accused persons suffered heart attack and he has been admitted to undergo open heart surgery. The petitioners want the same counsel to appear on their behalf and also to cross-examine the Investigating Officer / P.W.25. The petitioners have also given an undertaking before this Court that they will not seek any bail in this case and they will continue to remain in jail till their counsel returns back and cross-examines P.W.25. The petitioners further undertakes that till the completion of the sessions case, they will not apply for bail.

6.Considering the facts and circumstance of the case, this Court deems it fit to extend the time given to the Court below to complete the trial. The Fourth Additional Sessions Court, Tirunelveli is granted four months time to complete the proceedings in S.C. No.467 of 2018. It is made clear that immediately after the counsel recover from the heart ailment, necessary steps would be taken to cross-examine the Investigating Officer / P.W.25 and



complete the proceedings in S.C.No.467 of 2018.

7.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.C.No.467 of 2018, within a period of four months from the date of receipt of a copy of this order. Consequently, connected Crl.M.P.is closed.

Sd
ASSISTANT REGISTRAR (P AND A)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS IV)

To

1.The IV Additional Sessions Judge, Tirunelveli.

2.The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

1CC TO MR. R. ANAND, ADVOCATE SR 89314

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and

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