

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.02.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4990 of 2019

1.Sekar @ Lottai Sekar
2.Karthik
3.Natarajan

... Petitioners

Vs.

State Rep. by

1.The Inspector of Police,
J-10, Semmenchery Police Station,
Chennai.
(Crime No.1184 of 2010)

2.Saravanan
S/o.Muniyan.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned Subordinate Judge, Tambaram to conduct the trial in S.C.No.246 of 2017 and complete the proceedings on or before due date to be stipulated by this Hon'ble Court.

For Petitioner : Mr.K.Shanmugam

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the learned Subordinate Judge, Tambaram to conduct the trial in S.C.No.246 of 2017 and complete the proceedings within a stipulated time.

2.The case of the prosecution is that the petitioners and the defacto complainant are friends. While so, on 26.12.2010, while they were speaking suddenly a petty quarrel arose between them in which the petitioners assaulted the defacto complainant with hands and immediately the 1st petitioner pulled out a knife from his hip and attacked the defacto complainant and the other petitioners caught hold the defacto complainant for the 1st petitioner to attack, in which the defacto complainant sustained severe injuries and was taken to Government Hospital. Hence, a complaint has been made before the respondent police. After investigation charge sheet has been laid in P.R.C.No.52 of 2011. Thereafter, the case was committed and transferred to the

learned Judicial Magistrate, Alandur for trial and the same is pending in S.C.No.246 of 2017.

3.The learned counsel for the petitioners submitted that the charge sheet has been laid before the learned Judicial Magistrate, Alandur in 2011 and after six years, the case was committed to the learned Subordinate Judge at Tambaram and was taken on file in S.C.No.246 of 2017. But, till date the case was not posted for trial. Hence, the petitioner filed the present petition with the aforesaid prayer.

4.The learned Additional Public Prosecutor submitted that there are totally 12 witnesses and the trial is yet to be commenced.

5.Considering the fact that the incident happened in the year 2010 and charge sheet filed in 2011 and the case was committed to the learned Subordinate Judge, Tambaram and taken to file in 2017 and trial has not been commenced. As such, there shall be a direction to the learned Subordinate Judge, Tambaram, to conduct the trial and complete the proceedings in S.C.No.246 of 2017 within a period of six months from the date of receipt of copy of this order.

6.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rm
To

1.The Subordinate Judge,
Tambaram.

2.The Inspector of Police,
J-10, Semmenchery Police Station,
Chennai.
(Crime No.1184 of 2010)

3.The Additional Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Shanmugam, Advocate, S.R.No.18317.

Cr1.O.P.No.4990 of 2019

SV(CO)
RRS(04/04/2019)