

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11018 of 2019

M.Chowdry

... Petitioner

Vs.

State by
the Inspector of Police,
CBCID, Crime Branch Metro Wing,
Egmore, Chennai - 8.
(Crime Nos.712, 716, 717 of 2006)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Metropolitan Magistrate, for CCB and CBCID cases, Egmore, Chennai, to conduct the case pending in C.C.No.1706 of 2017 in a speedy manner and decide the same as per the procedure established by law.

For Petitioner : Mr.V.Paarthiban

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

ORDER

The Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Metropolitan Magistrate, for CCB and CBCID cases, Egmore, Chennai, to conduct the case pending in C.C.No.1706 of 2017 in a speedy manner and decide the same as per the procedure established by law.

2.The learned counsel for the petitioner would submit that the respondent laid the charge sheet as against the five accused and listed 470 witnesses to support the case of the prosecution. The said case was initially started as C.C.No.9616 of 2010 and the said respondent submitted a status report of the case on 04.02.2016 and stated that they have examined 27 witnesses. Later the said case is transferred to the Metropolitan Magistrate for CCB and CBCID cases, Egmore, Chennai in C.C.No.1706 of 2017 and as on 28.11.2018 they examined Tmt.Rani as PW47. For the last two years the police have examined only 21 witnesses. The said trial is pending for the past nine years

and if the respondent conducted the trial in such a slow manner it will take another ten years or more to complete the trial. The petitioner has incurred loss and very much in need of his money seized by the police and deposited in the bank. Moreover the respondent police have objected the return of the money for the reasons that the trial is pending. The justice will be done if the trial conducted in a speedy manner. The case is pending for disposal for the nine years and the prosecution has examined only 47 witnesses for the past nine years. The petitioner suffered very much due to the pendency of the case for the past nine years. The petitioner is neither an accused nor a witness in the said case. Hence, this petition.

3.Considering the above facts and circumstances, the learned Metropolitan Magistrate, for CCB and CBCID cases, Egmore, Chennai, is hereby directed to conduct the case pending in C.C.No.1706 of 2017 in a speedy manner and decide the same as per the procedure established by law within a period of three months from the date of receipt of a copy of this order.

4.With the above direction, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Metropolitan Magistrate
for CCB and CBCID cases
Egmore, Chennai,
2. The Inspector of Police,
CBCID, Crime Branch Metro Wing,
Egmore, Chennai - 8.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.11018 of 2019

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srg 17/06/2019