

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.14157 of 2019
and
CRL.MP.No.6861 & 6862 of 2019

S.Selvaraj ...Petitioner

Vs.

1.State by,
Central Crime Branch,
Chennai City,
Chennai.
Crime No.758/2005.

2.R.Bhuvneswaran ...Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.2393 fo 2007 pending on the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai and to quash the same.

For Petitioner : M/S.N.Sudharsan

For Respondents : Mr.C.Raghavan
Government Advocate
(Criminal Side)

ORDER

The subject matter of challenge is the final report filed by the respondent police and which has been taken on file in C.C.No.2393 of 2007 by the Court below.

2 Heard the learned counsel for petitioner and the learned Government Advocate (Criminal Side) for the respondent.

3 Even though, the learned counsel for the petitioner raised several grounds and submitted that there are absolutely no materials to sustain the final report against the petitioner who has been added as A8, this Court is not inclined to entertain the petition since it is nearly 12 years since the final report was taken on file and entertaining the present petition will further delay the proceedings.

4 The petitioner is permitted to raise all the issues before the Court below and the same shall be considered on its own merits and in accordance with law.

5 The learned counsel for the petitioner submitted that the petitioner is aged about 65 years and he has been unnecessarily made to face the proceedings without any progress for the last 12 years and therefore his presence may be dispensed with. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispense with and he shall be represented by a counsel before the Court below.

6 The counsel representing the petitioner shall cross examine the witnesses on the same day they are examined in chief. The petitioner shall be present before the trial Court at the time of questioning under Section 313 of Cr.P.C., and at the time of final judgment.

7 The present Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.2393 of 2007 within a period of three months from the date of receipt of copy of this order. Consequently, the Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Additional Chief Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Central Crime Branch,
Chennai City, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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