



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Cr1.O.P.No.24036 of 2019

and

Cr1.M.P No.12737 of 2019

Dr.G.Ilangovan

...Petitioner

Vs

1. State by

Inspector of Police (L & O)
R7, K.K Nagar Police Station,
K.K Nagar, Chennai-78
Cr. No.21 of 2014.

2. Gokul @ Gokulakrishnan

3. Alex @ William Alexander

4. Arivazhagan @ Arun

5. Hari @ Hariharan

6. Dinesh

7. Sathish @ Sathish Kumar

8. Ganesh Prabhu

9.Jayakanth @ Jayaprakash

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the adjudication order passed in C.C No.1298 of 2015 dated 26.08.2019 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai and set aside the same and consequently direct the Chief Metropolitan Magistrate Court, Egmore, Chennai-8 to proceed with the trial in C.C No.1298 of 2015.

For Petitioner : Mr.A.Ramesh, Senior Counsel
For M/s.N.Sudharsan

For Respondents: Mr.C.Iyyapparaj for R1
Additional Public Prosecutor

Mr.C.P.Palanichamy for R2 to R9



O R D E R

This Criminal Original Petition is filed challenging the adjudication order passed in C.C No.1298 of 2015 dated 26.08.2019 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai and set aside the same and consequently, direct the Chief Metropolitan Magistrate, Egmore, Chennai-8 to proceed with the trial in C.C No.1298 of 2015.

2. In view of Section 323 of Criminal Procedure Code which provides that when the Magistrate is of the view that the case is to be tried by the Court of Sessions, he shall commit such case to that Court and since it is found that the offence under Section 3 of the Tamil Nadu Medical Service Persons and Medicare Service Institution (Prevention of Damage or Loss to Property) Act 2008 as well as the offence under Section 511 of I.P.C requires such matters to be committed to the Court of Sessions, I do not find any infirmity in the orders passed by the Chief Metropolitan Magistrate, Egmore.

3. In such view of this matter, the learned Principal Sessions Judge to whom the matter has already been committed by the impugned order, shall either try the matter by themselves or have the matter assigned to any other Court of Sessions under its jurisdiction. Since the proceedings are pending from the year 2015 onwards, the concerned learned Sessions Judge shall endeavor to complete the trial atleast within a period of three months from the date of receipt of a copy of this order, if required on day-to-day basis. The learned Sessions Judge shall also ensure that the cross examination of the witnesses is done on the same day when such witnesses are examined.

4. With these observations, this Criminal Original Petition stands closed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

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To

1. Inspector of Police (L & O)
R7, K.K Nagar Police Station,
K.K Nagar, Chennai-78

2. The Public Prosecutor
High Court of Madras.

+lcc to Mr.CP.Palanisamy, Advocate, SR.No.96852.

+lcc to Mr.N.Sudharsan, Advocate, SR.No.96301.

Crl.O.P.No.24036 of 2019
and
Crl.M.P No.12737 of 2019

BP (CO)
CSR (26/11/2019)