

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CrI.OP No.26605 of 2019  
and  
CrI.M.P.No.14227 of 2019

1.Mujifur Rahman  
2.Ansari  
3.Haja @ NondiHaja .. Petitioners/Accused 1,3 & 10

Vs.

1.State by  
Inspector of Police,  
Muthupettai Police Station,  
Tiruvarur District.  
(Cr.No.251/97)

2.Nazar ..Respondents/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in P.R.C.No.36 of 2001 on the file of the learned Judicial Magistrate, Tiruturaipudi, in Crime No.251 of 97 on the file of the respondent Police and quash the same against the petitioners herein.

For Petitioner :Mr.M.Mohamad Nabeek  
For Respondent :Ms.Saratha Devi.V,  
Government Advocate(CrI.Side),  
for R1

O R D E R

The petitioners herein have been arrayed as accused nos.1, 3 and 10 in the charge sheet for the offences under Sections 147 and 436 r/w 149 of the IPC. The FIR was laid on 07.06.1997 and after a prolonged investigation, the charge sheet was laid on 09.02.2001, which was taken on file by the learned Judicial Magistrate, Tiruturaipundi in P.R.C.No.36 of 2001.

2. The main ground on which the petitioners have filed the present petition is that though 18 years have lapsed there is no progress in the proceedings.

3. The Hon'ble Apex Court in the decision of Abdul Rehman Antulay and others vs. R.S.Nayak and another reported in (1992) 1 SCC 225 has held that right to speedy trial flowing from Article 21 encompasses all the stages namely, the stage of investigation, inquiry, trial, appeal, revision, and retrial. By applying this ratio to the facts of the present case, it requires to be necessarily held that the delay of more than eighteen (18) years in completing the trial would amount to denial of the right to a speedy trial and on this ground of laches also, the impugned charge sheet would be liable to be struck out.

4. In the light of the above observations, the proceedings in P.R.C.No.36 of 2001 insofar as it relates to the petitioners herein, stands quashed.

5. The Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

s/d-  
Assistant Registrar(CO)

True Copy

Sub-Assistant Registra

tsg

To

1.The Judicial Magistrate,  
Tiruturaipundi.

2.Inspector of Police,  
Muthupettai Police Station,  
Tiruvarur District.

3.The Public Prosecutor,  
High Court, Madras.

+1 CC to Mr.M.Mohamad Nabeek, advocate sr 98494.

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VSNII(CO)  
SP(04/02/2020)