

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.OP No.27371 of 2019
and
Crl.M.P.No.14552 of 2019

1.Mujifur Rahman
2.Ansari
3.Haja @ NondiHaja ... Petitioners

Vs.

1.State by
Inspector of Police,
Muthupettai Police Station,
Tiruvarur District.
(Cr.No.282/97)

2.Shahul Hameed ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in P.R.C.No.35 of 2001 on the file of the learned Judicial Magistrate, Tiruthuraipoondi, in Crime No.282 of 1997 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(Crl.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, 148 and 436 r/w 149 of the IPC. The FIR was laid on 29.06.1997 and after a prolonged investigation, the charge sheet was laid on 09.02.2001, which was taken on file by the learned Judicial Magistrate, Tiruthuraipoondi in P.R.C.No.35 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.35 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsg
To

- 1.The Judicial Magistrate,
Tiruthuraipoondi.
- 2.Inspector of Police,
Muthupettai Police Station,
Tiruvarur District.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.M.Mohamed Nabeek, Advocate Sr.98495

Cr1.OP No.27371 of 2019
and

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srg 13/02/2020