

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.6261 to 6263 of 2014
and
M.P.Nos.1,1,1 and 2,2,2 of 2014

S.James

... Petitioner
in all Crl.O.Ps.

Vs.

State Represented by
Inspector of Police,
Commercial Crime Investigation Wing CID,
Perambalur.
Crime No.9 of 2009.

... Respondent
in all Crl.O.Ps.

Common Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the charge sheet filed in C.C.Nos.29, 28 and 27 of 2011 on the file of the Judicial Magistrate Court, Ariyalur and quash the same in so far as it relates to the petitioner/5th accused.

(in both Crl.O.Ps.)

For Petitioner : Mr.J.C.Durairaj

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

These petitions have been filed to quash the charge sheet filed in C.C.Nos.29, 28 and 27 of 2011 on the file of the Judicial Magistrate Court, Ariyalur and quash the same.

2.The petitioner while working as Zonal Supervisor in Tiruchirappalli District Central Co-operative Bank Ltd., Andimadam Branch, has been arrayed as an accused in Crime No.9 of 2009 based on the complaint lodged by the Deputy Registrar of Co-operative Societies, Ariyalur, for the offence under Sections 409, 408, 477-A r/w 34 and 109 of IPC. The respondent police have completed the investigation and filed a charge sheet in C.C.No.29 of 2011 and the same was taken cognizance by the learned Judicial Magistrate, Ariyalur and the same is pending for trial.

3.The learned counsel for the petitioner submitted that the petitioner has retired from service and he was suffering from diabetes and nervous weakness and is under treatment. He further submitted that the charge sheet was filed as early as in the year 2011 and still now the case is pending. Hence, he has filed the present petition with the aforesaid prayer.

4.The learned Additional Public Prosecutor submitted that P.W.1 and P.W.2 were examined and the trial has already been commenced.

5.Heard Mr.J.C.Durai Raj, learned counsel appearing for the petitioner and Mr.M.Mohammed Riyaz, learned Additional Public Prosecutor for the respondent.

6.It is seen that the trial has been commenced and examination of the witnesses were over. At this stage, the prayer sought for by the petitioner cannot be granted. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed.

7.However, considering the year of calendar case is 2011, the learned trial Judge viz., Judicial Magistrate, Ariyalur, is directed to complete the trial proceedings within a period of three months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate, Ariyalur.

2.The Inspector of Police,
Commercial Crime Investigation Wing CID,
Perambalur.
Crime No.9 of 2009.

3.The Public Prosecutor, High Court, Madras.

Crl.O.P.Nos.6261 to 6263 of 2014
and
M.P.Nos.1,1,1 and 2,2,2 of 2014

SVI (CO)
GMV (27/05/2019)