

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.486 of 2010

Chinnathai

... Petitioner

Vs.

State rep by,

1.The Inspector of Police,
Pennagrem Police Station,
Dharmapuri District.
(Cr.No.118 of 1997).

2.Madhaiyan
3.Vaku @ Shanmugam
4.Chinnasamy
5.Madhammal
6.Madhaiyan
7.Asokan
8.Subramani
9.Sakthivel
10.Govindan
11.Chakaravarthy
12.Kanniammal
13.Mani
14.Dharman
15.Chinnasamy
16.Selvi
17.Raja
18.Periyaponnukan
19.Velu @ Rajavel
20.Nagamanickam
21.Vakkuli @ Naga Manickam
22.Annadurai
23.Ganesan
24.Settu @ Vadivelu
25.Madhaiyan
26.Sekar
27.Deivanai
28.Thangavel
29.Mavu Thalaiyan @ Vadivel
30.Mookamoothu Perumal

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 r/w
401 of the Code of Criminal Procedure, to call for the records
and set-aside order passed in CrI.M.P.No.62 of 2008 in

S.C.No.313 of 2005 on the file of Additional District Sessions Judge -cum- Fast Track Court, Dharmapuri dated 05.03.2010 by dismissing the petition filed by the petitioner.

For Petitioner : Mr.K.Gandhi Kumar

For R1 : Mr.C.Iyyappa Raj
Additional Public Prosecutor

For R2 to R30 : M/s.CH.Pandiyan

ORDER

This Criminal Revision Petition has been filed to set-aside the order dated 05.03.2010 in Crl.M.P.No.62 of 2008 in S.C.No.313 of 2005 passed by the learned Additional District Sessions Judge cum Fast Track Court, Dharmapuri.

2.The petitioner is the defacto complainant in S.C.No.313 of 2005. During the course of trial, the Additional District Sessions Judge cum Fast Track Court, Dharmapuri directed the respondent Police to trace out the Form 95, Seized Articles and Seizure Mahazars in respect of Crime No.313 of 2005 and to produce the case records. At this juncture, the petitioner has filed a petition in Crl.M.P.No.486 of 2010 before the trial Court to call for the case properties in respect of Crime No.313 of 2005 from the respondent Police. The trial Court by its order dated 05.03.2010 dismissed the petition on the ground that the case cannot be kept pending due to misplacement of the case records. Hence, the petitioner has filed the present revision petition.

3.The learned counsel for the petitioner would submit that the case properties viz., Form 95, seized articles and Seizure Mahazars in respect of Crime No.313 of 2005 were not available in the trial Court. Due to which the trial is pending from the year 2005. He would further submit that the petitioner has filed a petition in Crl.M.P.No.486 of 2010 in S.C.No.313 of 2005 for production of the above said case records. The trial Court by order dated 05.03.2010 has dismissed the petition. Hence, this Court may issue a direction to the trial Court for production of the case records and speedy disposal of the case.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that some of the case diary was misplaced and the same was not produced before the trial Court, for which the petitioner filed a petition before the trial Court and the same was dismissed on 05.03.2010, against which he filed this present revision petition. Hence, this Court may issue a direction to substitute the documents, which are available in the case diary and to conduct the trial within a stipulated time.

5.This Court considered the submissions made on either side and perused the materials available on record.

6.It is seen from the records that the Investigating Officer has misplaced some of the documents in respect of the Crime No.313 of 2005 and an action has also been taken against him.

7.This Criminal Revision Petition is disposed of, with the following directions.

(i) The trial Court is directed to conduct the trial by substituting the documents which are available in the case diary and complete the trial within a stipulated time.

(ii) The petitioner is directed to assist the prosecution for speedy disposal of the trial.

(iii) The Superintendent of Police, Pennagaram Sub-Division, Dharmapuri District, is directed to take appropriate action against the person, who lost the case records in respect of Crime No.313 of 2005.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Vv2

To

1.The Additional District Sessions Judge
cum Fast Track Court,
Dharmapuri.

2.The Inspector of Police,
Pennagrem Police Station,
Dharmapuri District.

3.The Superintendent of Police,
Pennagaram Sub Division,
Dharmapuri District.

4.The Public Prosecutor,
High Court, Madras.

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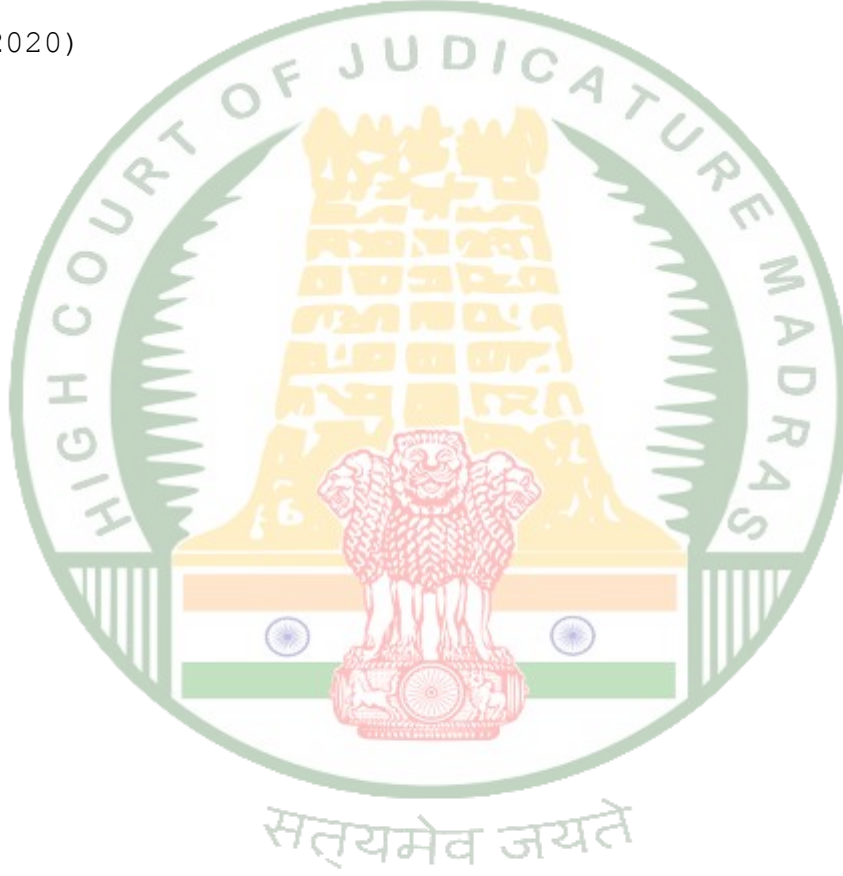
The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.K.Gandhi Kumar, Advocate, S.R.No.5550

+1cc to Mr.CH.Pandian, Advocate, S.R.No. 4993

Cr1.R.C.No.486 of 2010

SV(CO)
GN(27/02/2020)



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