

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 27.02.2020
CORAM
THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM
CRL.O.P.No.4308 of 2020

Eswaran

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Law & Order,
H8 Thiruvottiyur P.S,
Chennai 600 019.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned IV Additional Sessions Judge at Ponneri to expedite the trial in S.C.No.190 of 2018 in Crime No.166 of 2011 within the stipulated time.

For Petitioner : Mr. C.Bala Subramaniam
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed by the Accused No.2 to direct the learned IV Additional Sessions Judge at Ponneri to expedite the trial in S.C.No.190 of 2018 in Crime No.166 of 2011 within the stipulated time.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The learned counsel for the petitioner has submitted that the petitioner has surrendered in PRC.No.15 of 2018 on the file of the Judicial Magistrate No.I, Chengalpattu on 19.08.2019 and from that date, onwards he is in the judicial custody in that case. He further submitted that since he is in judicial custody in that case, he could not appear before the learned IV Additional Sessions Judge, Ponneri in S.C.No.190 of 2018. He further submitted that already on behalf of the petitioner herein, a petition was filed before the learned IV Additional Sessions Judge, Ponneri, informing that the petitioner is in custody in another case i.e., in P.R.C.No.15 of 2018. Even thereafter, the trial Court has not passed any order directing the respondent police to produce the petitioner in S.C.No.190 of 2018. The respondent police also has not taken any steps for getting PT warrant for taking the petitioner from the jail and

produce before the learned IV Additional Sessions Judge, Ponneri and hence he requests to direct the respondent to get PT warrant from the concerned Court and produce the petitioner in S.C.No.190 of 2018, before the IV Additional Sessions Court, Ponneri.

4. Considering the abovesaid submissions, the respondent is directed to verify, as to whether the petitioner is in custody in PRC No.15 of 2018 on the file of the Judicial Magistrate No.1, Chengalpattu. If he is in custody in that case, the respondent has to file a petition before the IV Additional Sessions Court, Ponneri and get PT warrant and produce the petitioner before the learned IV Additional Sessions Judge, Ponneri in S.C.No.190 of 2018 within 15 days from the date of receipt of a copy of this order. After producing the petitioner before the concerned Court, the petitioner can seek a direction for early disposal of the case.

5. Hence this petition is dismissed with liberty to file a fresh petition after producing him before the learned IV Additional Sessions Judge, Ponneri in S.C.No. 190 of 2018.

Sd/-
Assistant Registrar (CS-V)

// True Copy //

Sub Assistant Registrar

ebsi

To

1. The IV Additional Sessions Judge, Ponneri.

2. The Inspector of Police, Law & Order,
H8 Thiruvottiyur P.S., Chennai 600 019.

3. The Public Prosecutor, High Court, Madras.

4. The Judicial Magistrate No.1, Chengalpet.

+1cc to Mr.C.Balasubramanian, Advocate, SR.No.17145.

CRL.O.P.No.4308 of 2020

VSN II (CO)
CSR: 03.03.2020



सत्यमेव जयते

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