

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.12.2020
CORAM
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21495 of 2018

D.Arulanandu

... Petitioner/Defacto-
Complainant

Vs.

1.The Inspector of Police,
Anti Land Grabbing Special Cell,
Kancheepuram,
(Crime No.96/2013) ... Respondent/Complainant

2.Balakotta Reddy

3.Sivaprasad Reddy ... Respondents/Accused
Nos.1 & 2

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate No.II, Chengalpattu to expedite the trial in the above C.C.No.241 of 2015 on his file within the time limit fixed by this Court.

For Petitioner : Mr.M.Abdul Razack

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

* * * * *
O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.II, Chengalpattu to expedite the trial in the above C.C.No.241 of 2015 on his file within the time limit fixed by this Court.

2.The petitioner/defacto complainant, who lodged a complaint before the first respondent and the first respondent registered a case in Crime No.96 of 2013 for the offence under Sections 120 (b), 420, 465, 468 and 471 IPC and on conclusion of investigation, charge sheet filed before the Judicial Magistrate No.II, Chengalpet. The Judicial Magistrate No.II, Chengalpet had taken the charge sheet on file in C.C.No.241 of 2015.

3.The learned counsel for the petitioner submitted that this petition has been filed seeking direction of the Judicial Magistrate No.II, Chengalpet to expedite the trial, since the

respondent Nos.2 and 3 are dragging the proceedings from 2015 successfully, though the copies were served on 27.01.2016 and charges were framed on 25.02.2016, till date the trial is kept pending for examination of witnesses. In the mean while, the accused have been filing several miscellaneous petitions. The case is now posted on 08.02.2021, for evidence.

4.The learned counsel appearing for the petitioner further submitted that the accused have been successfully evading the trial and for the past six years no substantial progress has been made in the trial.

5.The learned Additional Public Prosecutor appearing for the first respondent submitted that on the complaint of the petitioner a case came to be registered in the year 2013 in Crime No.96 of 2013. After investigation, charge sheet was filed on 27.07.2015 before the Judicial Magistrate No.II, Chengalpet in C.C.No.241 of 2015. The second and third respondents are A1 and A2 in this case and they have been filing some miscellaneous petitions and have been adopting the dilatory tactics and not allowing the trial to progress.

6.The learned Additional Public Prosecutor appearing for the first respondent undertakes to produce the witnesses as and when they are summoned and the prosecution would be diligently conducted and the first respondent police would not be a cause for the delay in the trial of the case.

7.Considering the submissions and on perusal of the E-court's status it is seen that in this case the respondent Nos.2 and 3/accused Nos.1 and 2 were appeared on 11.02.2016 and 25.02.2016 and thereafter on 29.08.2018, the miscellaneous petitions were shown as pending and from 25.02.2020, the case is posted for recording of the evidence of the witnesses. For the past 9 hearings from 25.02.2020 to 15.12.2020, though the case has been posted for evidence but the witnesses have not been examined and no reasons have been given for why they were not examined, now the case has been posted to 08.02.2021.

8.The learned Judicial Magistrate No.II, Chengalpet vide D.No.1920/2018, dated 18.09.2018 had submitted that the Anti Land Grabbing Cell, Kancheepuram, had given reason for scarcity of number of police, summons to witnesses and accused persons could not be served most effectively within the time.

9.On the submissions and undertakings of the petitioner as well as the first respondent, this Court finds that there is no reason for keeping the trial of the above case pending from the

year 2015, without any substantial progress. Hence, this Court passed the following orders:

"1.The Trial Court is directed to complete the trial, within the period of four months and report compliance. If the respondent Nos.2 and 3/accused Nos.1 and 2 are adopting any dilatory tactics and be a cause for predominant delay coercive steps will be taken against them, including the cancellation of bail and keeping them in confinement; and

2.The Superintendent of Police, Anti Land Grabbing Cell, Kancheepuram is directed to take effective steps to serve the summons to the witnesses and the accused within the prescribed time."

10.Accordingly, the Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(CS VIII)

/TRUE COPY/

Sub-Assistant Registrar

vv/ah
To

1.The Judicial Magistrate No.II,
Chengalpet.

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Kancheepuram,

3.The Public Prosecutor,
High Court of Madras, Chennai.

Copy to

The Superintendent of Police,
Anti Land Grabbing Cell,
Kancheepuram.

Cr1.O.P.No.21495 of 2018

LN(CO)
KKN 28.04.2021