

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.6843 of 2020

Natarajan

...Petitioner

Vs.

The State represented by,
The Inspector of Police,
S6, Shankar Nagar Police Station,
Saint Thomas Mount,
Chennai.

...Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., praying to direct the learned Assistant Sessions Judge at Tambaram to dispose the S.C.No.260 of 2017 within the time stipulated by this Court as expeditiously as possible.

For Petitioner : M/S. V.Krishnamoorthy
For Respondent : Mr.M.Mohamed Riyaz,
Addl. Public Prosecutor.

ORDER

The defacto complainant in S.C.No.260/2017 had filed this petition to dispose of S.C.No.260/2017 within a stipulated time.

2. The petitioner has preferred a compliant that his son was assaulted by one Senthil Kumar, Jhon Basha @ Basha, Venkatesan and Murthy, who are arrayed as A1 to A4. The police registered a case in Cr.No.162 of 2008 for the offences under sections 341, 324 and 307 of IPC against all the accused. After investigation, charge sheet was filed for the offence under section 341, 326 and 109 of IPC, deleting offence under Section 307 IPC and also omitting second accused namely Murthy in C.C.No.446 of 2008. Thereafter the petitioner filed a private complaint for the same before the learned Judicial Magistrate, Tambaram against the accused for the offence under sections 341, 325, 324 and 307 r/w 341 of IPC. The District Magistrate

examined 13 witnesses and took the case on file for offence under Sections 341, 324, 326, 307 of IPC and issued summons to the accused on 21.01.2011 and PRC No. 136/2010 was assigned against which the accused therein had preferred a petition before this Court in Crl.O.P.No.15366 of 2013. This Court by order dated 26.06.2014 had dismissed the same.

3. Aggrieved against the same he preferred Special Leave to Appeal (Crl). No.6148/2014 before the Apex Court. The Apex Court by order dated 30.06.2016 had dismissed and confirmed the order of the High Court. Thereafter, summons were sent to the accused and they have appeared before the trial Court and from thereon they have been subsequently dragging the proceedings for one reason or other. Thereafter, in view of the proceedings, chart has been produced.

4. On perusal of the same it is seen that the stage of the sessions case is still at the stage of issue of process, charge sheet were framed and thereafter on 04.06.2019, the petitioner along with other witnesses were presented before the trial court. The learned trial Judge chose not to examine them. The learned Public Prosecutor was not showing interest since the private complaint of the petitioner had been converted into Sessions case, were examined for us.

5. Learned Public Prosecutor submitted that since for the early completion of trial by the trial Court, the case has been now converted into a sessions case, it is duty of the State to prosecute the same and he would instruct the concern Inspector of Police, Shankar Nagar police station as well as to concerned APP and the Investigating Officer to conduct the trial and conclude the same with diligence within stipulated time. It is found that 14 witnesses in this case were listed and the respondent police/State would take steps to produce the witnesses and cooperate with the trial, to conclude the trial within the stipulated time.

6. Considering the submissions and also the long pendency of the case for one reason or the other the Trial Court shall give priority and complete the trial as expeditiously as possible within the stipulated time. With the above direction, this petition stands disposed of.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

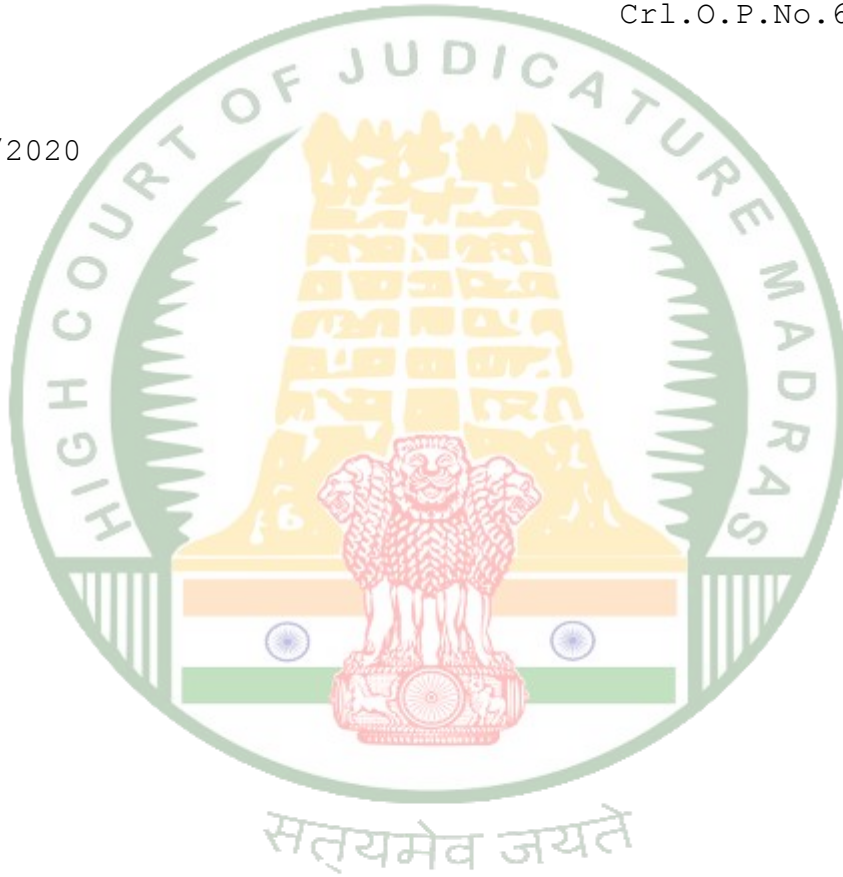
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To

1. The Assistant Sessions Judge, Tambaram.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police,
S6, Shankar Nagar Police Station,
Saint Thomas Mount, Chennai.

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NRL (CO)
KKV/03/09/2020



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