

Criminal Miscellaneous Petition Nos. 5631, 5636, 5637, 5638, 5639,
5640 and 5641 of 2020

in

Criminal Appeal Nos. 862, 865, 863, 855, 864, 866 and 853 of 2019

R.SUBBIAH, J

and

R.PONGIAPPAN, J

(Order of the Court was made by **R. Subbiah, J**)

These petitions are taken up for hearing through Video-conferencing.

2. These Criminal Miscellaneous Petitions are filed by the prosecution seeking to extend the time granted by this Court in the common Judgment dated 10.03.2020 passed in Criminal Appeal Nos. 852 to 856 and 862 to 866 of 2019 for completion of the examination of witnesses by another six months.

3. The aforesaid Criminal Appeals have been filed by the appellants/accused assailing the orders of dismissal passed by the trial court, dismissing their petitions filed under Section 437 read with Section 439 of the Code of Criminal Procedure Code. The Criminal Appeals were dismissed by us on 10.03.2020 *inter alia* directing the trial court to examine the hide out witnesses, record their evidence on or before 30.06.2020 and complete the

examination of witnesses before the said date. It was also observed that on completion of examination of the hide-out witnesses, the appellants/accused are at liberty to approach the trial court for grant of bail.

4. The learned Special Public Prosecutor appearing for the petitioner would contend that due to the nation wide lockdown declared by the Central and State Government to curb the spread of the pandemic - Covid 19, the trial could not be completed before 30.06.2020, as directed by this Court. Further, there are 15 hidden witness required to be examined before the trial court. In such a circumstances, the learned Special Public Prosecutor prayed this Court to extend the time stipulated in the Judgment dated 10.03.2020 by another six months so as to enable the trial court to complete the examination of the witnesses.

5. Per contra, the learned counsel for the respondents/accused would contend that the respondents/accused legitimately anticipated that the trial in the criminal case will be concluded within the time fixed by this Court on 30.06.2020 and thereafter their bail petitions will be taken up for consideration. However, due to the nation wide lockdown imposed to curb the Covid-19 pandemic, there was a delay in examination of the witnesses and

consequently, the bail applications filed by the petitioners could not be taken up by the trial court. In any event, the petitioners are languishing in jail for a longer period and therefore, the trial court may be directed to take up the petitions filed by the respondents/accused for bail, forthwith.

6. We have heard the learned counsel for both sides and perused the materials placed. Even though we have directed the trial court to complete the examination of witnesses on or before 30.06.2020, due to the present situation owing to the Covid-19 pandemic, there is a delay. The plea of the respondent/accused is that notwithstanding the fact that the trial is not concluded, their petitions for bail has to be taken up by the trial court and therefore, prays this Court to issue appropriate direction to the trial to take up the petitions filed by the respondent/accused for bail, forthwith.

7. It is well settled that speedy trial is a *sine quo non* in the justice delivery system and the expectation of the petitioners/accused for completion of the criminal trial against them, so that their petitions for bail could be taken up by the trial court, cannot be said to be unreasonable. Having regard to the above, we direct the trial court to complete the examination of witnesses in the criminal case on or before 31.01.2021. If for any reason, the witnesses could

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not be examined or the trial is not completed before 31.01.2021, then the petitions for bail filed by the respondents/accused can be taken up by the trial court and disposed of on its own merits uninfluenced by any of the observations made by this Court in the above Criminal Appeals filed by the respondents/accused. Accordingly, these petitions are disposed of.

(R.P.S.J.) (R.P.A.J.)

21-09-2020

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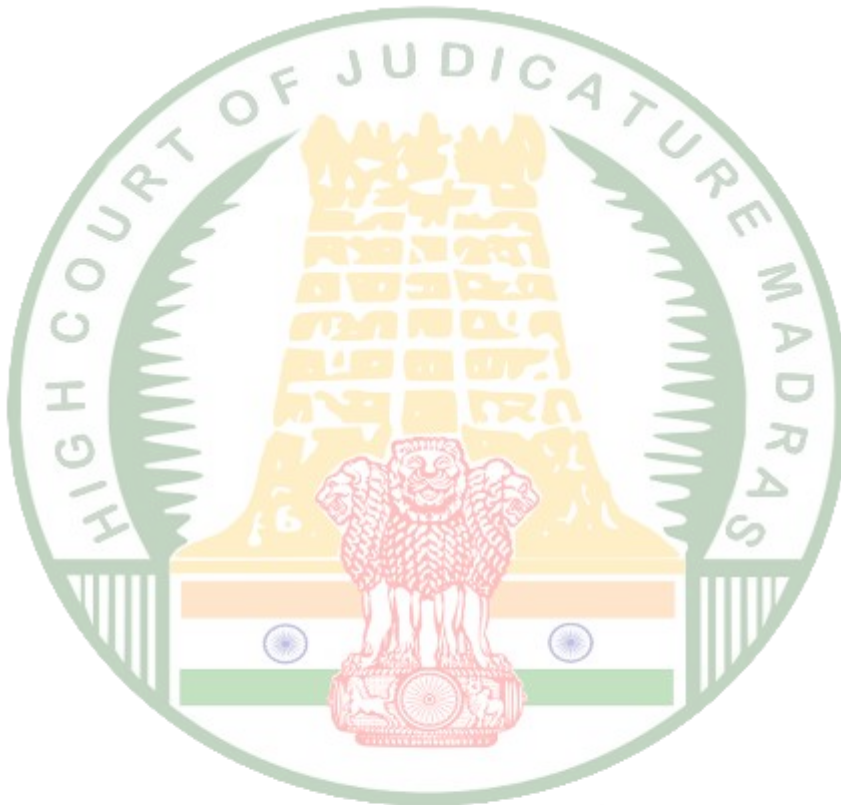


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R. SUBBIAH, J
and
R. PONGIAPPAN, J

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864, 866 and 853 of 2019

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