

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.Nos.18093 & 18367 of 2020

Manickam

... Petitioner in
CrI Op.No.18093/2020

Prakash

... Petitioner in
CrI Op.No.18367/2020

Vs.

State Rep. by
Inspector of Police
G-5, Secretariat Colony Police Station
Chennai

... Respondent in
both CrI.Ops.

Prayer: Criminal Original Petitions filed under Section 439
Cr.P.C. to enlarge the petitioners on bail in S.C.No.348 of 2014,
pending on the file of the XIX Additional District Judge, Chennai

For Petitioner : Mr.D.Jai Shankar/CrIOP.18093/2020
Mr.R.Muthukumar/CrIOP.18367/2020

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (CrI. Side)

O R D E R

(The case has been heard through video conference)

The learned Government Advocate (CrI. Side) would submit that the petitioners are facing trial in S.C.No.348 of 2014. Totally there are seven accused in this case and the petitioners herein are A5 & A6. He would further submit that almost all the witnesses have been examined and Investigating Officer alone to be examined. He would further submit that NBW has been issued against these petitioners and the petitioner in CrI.O.P.18093 of 2020 was arrested on 06.08.2020 and the petitioner in CrI.O.P.No.18367 of 2020 has been arrested on 30.07.2020.

2. The learned Government Advocate would further submit that the petitioner in CrI.O.P.18093 of 2020 viz. Manickam has 21 previous cases to his credit and the petitioner in CrI.O.P.No.18367 of 2020 viz. Prakash has 7 previous cases to his credit and they are facing trial in S.C.No.384 of 2014 on the file of the XIX Additional District Judge, Chennai and the case stands posted on 07.12.2020 for examination of Investigating Officer. He would further submit that against some of the co-accused viz. A1, A3 and A4 also NBW executed and they are in judicial custody. The last witness was examined on 16.08.2019 and totally there are 19 witnesses and the prosecution has examined 15 witnesses and the matter was posted on 29.09.2020 for examination of Investigating officer and since he could not appear on that day, the case now stands posted on 07.12.2020.

2. The learned Government Advocate would submit that initially the petitioners were arrested and granted bail subsequently, the petitioners have failed to appear before the Trial Court, hence NBW issued against them on 19.12.2019 and after great difficulty they were arrested and in this case almost all the witnesses have been examined and only the investigating officer to be examined and on the previous hearing date the investigating officer could not appear before the Court, hence, the case stands posted on 07.12.2020 for examination of Investigating Officer.

3. The learned counsel appearing for the petitioner would submit that the last witness was examined by the prosecution on 16.08.2019 and thereafter no witnesses were examined and the petitioner is in confinement.

4. At this juncture, the learned Government Advocate would submit that one or the other accused have been absconding in order to drag the trial proceedings. NBW has been issued against A1, A3, A4 apart from this petitioner and now NBW against them are executed and they are in judicial custody and if the petitioner is granted bail there is every chance of them getting elusive. He would further submit that both the petitioners have several other cases to their credit.

5. In view of the submission by the Government Advocate that the case is posted on 07.12.2020 for examination of investigating officer, this court is inclined to dismiss this petition, the learned trial judge is hereby directed to examine the investigating officer without any further delay and complete the trial as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, these criminal original petitions are dismissed.

-sd/-
23/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XIX ADDITIONAL DISTRICT JUDGE,
CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
G-5 SECRETARIAT COLONY POLICE STATION,
CHENNAI.

+2 CC to M/S. R.MUTHUKUMAR Advocate on payment of necessary charges SR.NO.7778,7779

CRL OP.18093 & 18367 of 2020

Date :23/11/2020

GKS:30/11/2020

सत्यमेव जयते

WEB COPY