

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.4211 of 2017

CRL.M.P.No.3123 of 2017

R.Ranjith

... petitioner/Accused

Vs.

State represented by
Station House Officer,
Sethiyathope Police Station,
Cuddalore District,
Crime No.317 of 2013 ... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order dated 18.10.2016 made in Crl.M.P.No.4159 of 2016 in C.C.No.88 of 2014 on the file of the Judicial Magistrate No.I, Chidambaram.

For Appellant : No representation

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

O R D E R

The petitioner/accused in C.C.No.88 of 2014 has already filed C.M.P.No.4159 of 2016 before the learned Judicial Magistrate No.1, Chidambaram and the same was dismissed on 18.10.2016, against which, the present petition is filed.

2. The case of the prosecution is that on 30.12.2013 at about 11.30 p.m., a Government bus bearing Registration No.TN 68 N.0453 was proceeding forward, and behind it, 23 persons were travelling in Mukilan Travels Van bearing Registration No.TN 74 U 3183. At that time, the petitioner herein was driving his vehicle in a rash and negligent manner and dashed against the Government bus on the right side and damaged the glass windows of the bus. Thereafter, the petitioner dashed against van, which was following the bus. Five persons were dead in the accident and fourteen persons suffered grievous injury and seventeen persons suffered simple injury.

3. The learned Additional Public Prosecutor submitted that till the year 2018, 41 witnesses have been examined and the case was referred to lok Adalat for settlement twice, but nothing fruitful had happened. Thereafter the case was referred to the Court.

4. On perusal of the petition, it is seen that the petitioner had not given any acceptable reason for cross-examination of the witnesses and their evidence would be essential to arrive a just decision. It is a ploy adopted by the petitioner to drag on the proceedings. The accident took place on 30.12.2013 at about 11.30 p.m., mostly, they would have been asleep. Be that as it may, from the charge sheet, it is seen that L.W.1 to L.W.40 are the passengers either in mini bus or Government bus. L.W.47, 48, 49, 50 are the doctors who treated the injured, conducted post-mortem. L.W.51 is the Motor Vehicle Inspector and L.W.52, 53, 54, 55 are the police officials attached to the respondent police. In this case, investigation has been conducted by the Deputy Superintendent of Police, Sethiyathope and the charge sheet has been filed by him. Though five persons had lost their lives and several persons were injured, the case is pending from the year 2014 and the petitioner has not given any acceptable reason for recalling the witnesses.

5. In view of the same, this Court finds that there is no merit for consideration. Therefore, the Criminal Original Petition stands dismissed. However, the petitioner is given right to recall the witnesses, if he decides to give proper reason as to how the cross-examination of that witnesses would be essential to arrive a just decision. The trial Court is directed to take into consideration the seriousness, long pendency of the case and take up the case on priority and dispose of the same within a period of three months after lifting of lockdown or after beginning of normal functioning of the Courts. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ssb

To

1.The Judicial Magistrate I,
Chidambaram

2.Station House Officer,
Sethiyathope Police Station,
Cuddalore District.

CRL.O.P.No.4211 of 2017

NAS (CO)
CB(01/10/2020)



WEB COPY