

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.4269 of 2017 and
CrI.M.P.Nos.3208 & 3209 of 2017

M.Muniyandi

...Petitioner

Vs.

The State of Tamil Nadu,
rep. by the Inspector of Police,
CBCID, Metro Wing,
Chennai-600 002.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.9203 of 2010 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai-15 and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.V.Bhiman

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

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.9203 of 2010 pending on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai.

2.The learned counsel for the petitioner submitted that the petitioner is A7 and he has only purchased air tickets, which later came to be known that the tickets are forged. The learned counsel for the petitioner further submitted that initially, charge sheet was filed and same was taken on file as C.C.No.6197 of 2004. Since some of the accused were absconded, the case was split up and new case number assigned as C.C.No.9203 of 2010.

3.The learned counsel further submitted that the petitioner was shown as A7 in C.C.No.9203 of 2010. A5 had filed a quash petition before this Court in CrI.O.P.No.24684 of 2013 and the same was dismissed by this Court with observation that the petitioner therein Chandrakumar @ Babu, against whom, the case

is pending in C.C.No.2595 of 2017 was directed to be completed within a period of three months from the date of receipt of that order. It is further submitted that the case in C.C.No.2595 of 2017 is one of the split up case from the mother case in C.C.No.6197 of 2004. The petitioner's case in C.C.No.9203 of 2010 is also one of the split up case. Hence, the learned counsel for the petitioner seeks direction for completion of trial within a time frame. The learned counsel for the petitioner further submitted that he will not be reason for the delay in progress of the trial in any manner. Further the petitioner undertakes to cooperate with the trial and cross examine the witnesses without any delay. The learned counsel for the petitioner seeks exemption from the personal appearance of the petitioner, because of his aged about 70 years. Hence, the appearance of the petitioner before the Trial Court may be dispensed with.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused had conspired in creating forged air ticket, passport and other records. Hence, the petitioner has been charged along with other accused. He further submitted that there are totally 13 accused in the case, some of the accused have been, alternatively, absconding themselves, thereby stalling the progress of the trial. Initially, charge sheet came to be filed in the mother case in the year 2004 and for the past 16 years, the trial could not be progressed due to dilatory tactics adopted by one or other accused. If all the accused cooperated with the trial, the case would be completed within a stipulated time. Further, there are 58 witnesses listed. The case were also split up as against the petitioner and transferred to the CCB, Crime Branch CID Special Court, Allikulam, Chennai.

5.In view of the undertaken given by the learned counsel for the petitioner that he would cooperate with the trial, this Court directs the CCB, Crime Branch CID Special Court, Allikulam, to complete the trial within a period of six months from the date of lifting of lock down and regular functioning of Court below.

6.The petitioner seeks dispensation of the personal appearance. If any petition under Sections 205 & 317 Cr.P.C filed before the trial Court, the trial Court to consider the same on merits. However, the trial Court to insist for the appearance of the petitioner for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the trial Court feels it necessary.

7.This Criminal Original Petition stands dismissed.
Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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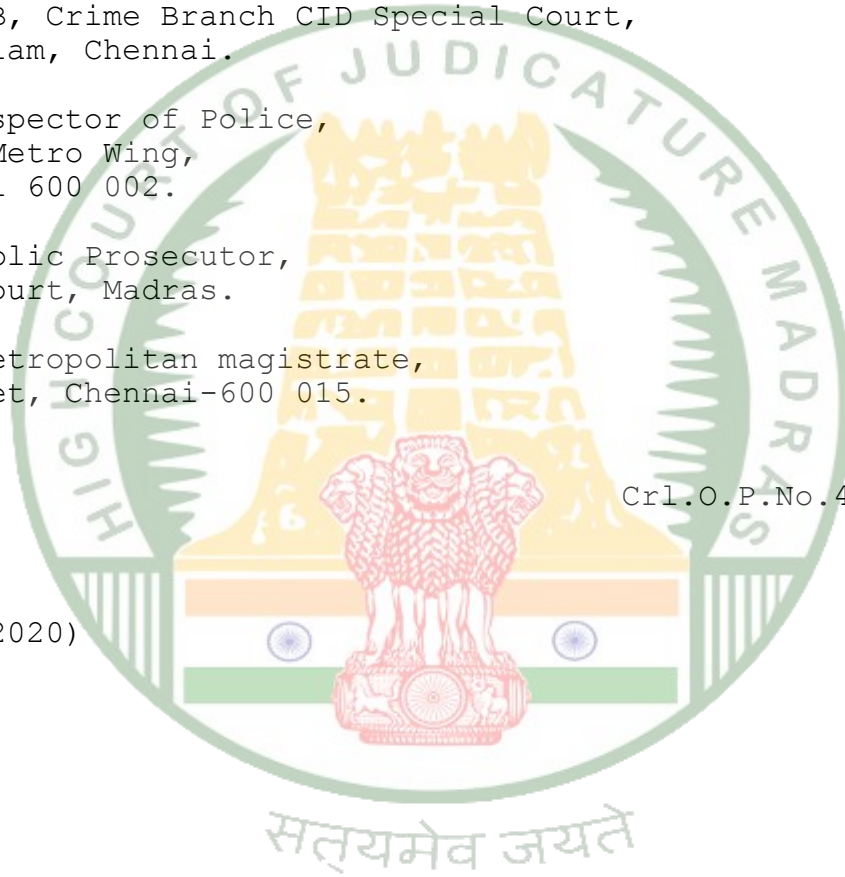
Sub Assistant Registrar

To

1. The CCB, Crime Branch CID Special Court,
Allikulam, Chennai.
2. The Inspector of Police,
CBCID Metro Wing,
Chennai 600 002.
3. The Public Prosecutor,
High Court, Madras.
4. XIth Metropolitan magistrate,
Saidapet, Chennai-600 015.

Crl.O.P.No.4269 of 2017

VSN-II (CO)
RV(21/10/2020)



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