

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NOS.18694, 18478 & 18479 OF 2017

AND

CRL.M.P.NOS.11378, 11379, 11246, 11247, 11248 & 11249 OF 2017

Ilayaraja,

S/o.Anbazhagan

... First Petitioner in all Crl.O.Ps

Anbazhagan,

S/o.Subbarayan

... Second Petitioner in
Crl.O.P.Nos.18694 & 18478 of 2017

Versus

State Represented by
The Sub-Inspector of Police,
Sirkazhi Police Station,
Nagapattinam District.
(Crime No.362 of 2011)

... 1st Respondent in
Crl.O.P.No.18694 of 2017

State Represented by
The Inspector of Police,
A.K.Chatram Police Station,
Nagapattinam District.
(Crime No.54 of 2010)

... 1st Respondent in
Crl.O.P.No.18478 of 2017

The Inspector of Police,
A.K.Chatram Police Station,
Nagapattinam District.
(Crime No.600 of 2009)

... 1st Respondent in
Crl.O.P.Nos.18479 of 2017

S.Ravi,

S/o.Sambantham

... Second Respondent in
Crl.Op.Nos.18479 & 18478 of 2017

(R2 is impleaded as for the order of this Hon'ble Court dated 13.10.2017 made in Crl.M.P.No.11741 of 2017 in Crl.O.P.No.18478 of 2017 and Crl.M.P.No.12964 of 2017 in Crl.O.P.No.18694 of 2017 in Crl.O.P.No.11740 of 2017 in Crl.O.P.No.18479 of 2017)

Rajendran,
S/o.Ponnan

.. Second Respondent in
Crl.Op.No.18694 of 2017

(R2 is amended as per dated 16.11.2018 in
Crl.M.P.No.15146 of 2018 in Crl.O.P.No.18694
of 2017)

PRAYER in Crl.O.P.No.18694 of 2017:

Criminal Original Petition filed under Section 482 of the
Code of Criminal Procedure, to call for the records of the
proceedings in C.C.No.187 of 2011 on the file of the Judicial
Magistrate, Sirkazhi, Nagapattinam District and quash the same.

PRAYER in Crl.O.P.No.18478 of 2017:

Criminal Original Petition filed under Section 482 of the
Code of Criminal Procedure, to call for the records of the
proceedings in C.C.No.140 of 2010 on the file of the Judicial
Magistrate, Sirkazhi, Nagapattinam District and quash the same.

PRAYER in Crl.O.P.No.18479 of 2017:

Criminal Original Petition filed under Section 482 of the
Code of Criminal Procedure, to call for the records of the
proceedings in C.C.No.154 of 2009 on the file of the Judicial
Magistrate, Sirkazhi, Nagapattinam District and quash the same.

For all Crl.OPs
For Petitioners: Mr.S.Balasubramanian

For R1 : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

Earlier, when the was taken up for consideration on
09.09.2020, there was no representation on behalf of the
petitioner and the following order was passed.

"No representation for the petitioner.

2. It is submitted by learned Additional Public
Prosecutor that in Crl.O.P.No.18694 of 2017,
prosecution is completed and evidences were recorded
as early as on 24.09.2018. Thereafter, the case was
posted for defense side witnesses. Meanwhile, the

accused therein filed a recall petition and cross-examined some witnesses. Lastly, the petitioner filed a petition under Section 315 Cr.P.C to cross-examine some witnesses and the same was allowed on 28.02.2020.

3. In CrI.O.P.No.18479 of 2017, learned Additional Public Prosecutor submits that in this case prosecution has examined the witnesses and the same was closed and the case is posted for defense witnesses.

4. In CrI.O.P.No.18478 of 2017, learned Additional Public Prosecutor submitted that the case is posted for examination of witnesses. He further submitted that in all the above cases except one case, the substantial portion is pending and the case is at the verge of closure with regard to other cases, the trial has taken cognizance of evidence, charges framed, summons has been issued from the examination of witnesses.

In view of the above, he prayed for dismissal of the above Criminal Original Petitions. Post the case for 'dismissal' on 11.09.2020."

Thereafter, the case came up for consideration on today i.e 14.09.2020.

2. The learned counsel for the petitioner submitted that the petitioner had taken back the bundle yesterday i.e on 13.09.2020. It is seen from the submissions made by the Additional Public Prosecutor that in this case prosecution is completed.

3. Considering the submissions made by the Additional Public Prosecutor that the evidence has been completed in the above cases except in C.C.No.187 of 2011, substantial portion completed, this Court finds no merits and reason for the continuation of the above Criminal Original Petition and this Court is not inclined to further keep the case pending.

4. In view of the same, these Criminal Original Petitions are dismissed. The Trial Court is directed to completed the

trial within a period of three months from the date of receipt of a copy of this order or after lifting of lockdown and regular functioning of Courts, whichever is earlier. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rst

To:

1. The Judicial Magistrate,
Sirkazhi, Nagapattinam District.
2. The Sub-Inspector of Police,
Sirkazhi Police Station,
Nagapattinam District.
3. The Inspector of Police,
A.K.Chatram Police Station,
Nagapattinam District.
4. The Public Prosecutor,
High Court, Madras.

+3cc to Mr.S.Thirunavukkarasu, Advocate, S.R.No.30128 & 30130

Crl.O.P.Nos.18694,18478 & 18479 of 2017
and Crl.M.P.Nos.11378, 11379, 11246,
11247, 11248 & 11249 of 2017

MR(CO)
CS/04/11/2020