



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2020

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PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.5313 of 2020

Sivasakthi @ Shenbagavalli @ Rama @ Kanimozhi

... Petitioner/Accused No.7

Vs

The State of Tamil Nadu
Represented through the
Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.111 of 2008).

... Respondent/Complainant

For Petitioner : Mr.R.Narayanan, Advocate.

For Respondent : Mr.A.Robinson, Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.111 of 2008 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner is facing trial as A7 in S.C.No.339 of 2018 on the file of the Principal District and Sessions Court, Dindigul. Her first bail petition was dismissed on 09.08.2019 in Crl.O.P(MD) No.10282 of 2019. Her subsequent bail petitions were dismissed by me by recording the submission of the learned State Public Prosecutor that the trial itself will be concluded on or before 31.03.2020. In fact, this itself was an extended time line. The original assurance given to me was that the whole process will be over on or before 31.01.2020. Of-course, the prosecution has made a very substantial progress and the investigating officer alone remains to be examined.



3.The learned Government Advocate (Crl.side) states that the Investigating Officer was to be examined on 24.03.2020 and that, on account of the pandemic, he could not be examined on the said date.

4.The learned counsel appearing for the petitioner states that even though I had directed day to day conduct of the trial and the order was passed on 24.02.2020, the witnesses came to be examined only on 17.03.2020.

5.I find some force in the said submission. Therefore, if the lock-down is extended beyond this month, the learned trial Judge is directed to write to the Registrar(Judicial) of this Court and ask for special permission for examining the Investigating Officer alone at an early date, if circumstance will permit. The defence will co-operate for cross-examination of the Investigating Officer without prolonging the matter. The learned trial Judge will endeavor to pass Judgment within a period of four weeks after the conclusion of the trial. I am not stipulating any final date for pronouncing the Judgment because the examination of Section 313 of Cr.P.C., will have to take place and the defence also may require time to adduce their evidence. Therefore, after the trial is concluded, the trial Judge will endeavour to pronounce Judgment within a period of four weeks thereafter.

6.With this direction, this Criminal Original Petition is dismissed.

sd/-

18/05/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
2. THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.5313 of 2020

Date :18/05/2020

RMI

<https://hcrvce.geogebra.org/m/1fcservice> 18/05/2020 : 2P/4C