



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:19.03.2020

CORAM:
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P. (MD)No.15915 of 2016
and
Crl.M.P. (MD)No.7644 of 2016

Raja Sekar @ SR. Thevar ... Petitioner/Accused No.1
vs.

1.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No.80 of 2003) ... 1st Respondent/Complainant

2.Velmurugan ... 2nd Respondent/Defacto
Complainant

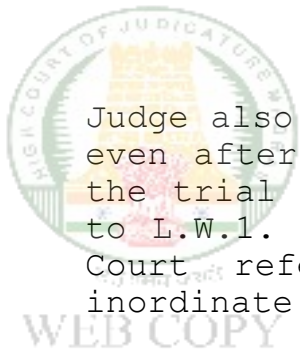
PRAYER: Criminal Petition filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings of impugned charge Sheet in S.C.No.192 of 2006, on the file of the Assistant Sessions Judge (Sub-Court), Devakottai and quash the same.

For Petitioners : No Appearance
For R1 : Mr.S.Chandra Sekar
Additional Public Prosecutor
For R2 : No Appearance

ORDER

Relying upon the dictum laid down by the Hon'ble Supreme Court in **Abdul Rehman Sharma Vs. State of Bihar** reported in **1992 SCC (Cri) 93**, **Rajdeo Sharma Vs. State of Bihar** reported in **1998(7) SCC 507**, it was later followed by this Court in **E.Baskar Vs. State of Tamil Nadu** in **Crl.O.P.(MD)No.15896 of 2011, dated 20.07.2011**, the present petition is filed to quash the petitioner criminal proceedings in S.C.No.192 of 2006, on the file of the Assistant Sessions Judge (Sub-Court), Devakottai.

2.According to the petitioner, the First Information Report is against this petitioner for the offences under Sections 294(b), 307, 506(ii) and 420 of IPC registered in Crime No.80 of 2003 by the second respondent police on 05.03.2003. The case was committed to the Sessions Judge on completion of investigation and the Sessions



Judge also taken the case on file in S.C.No.192 of 2006. Since then even after a lapse of ten years, the prosecution has not commenced the trial and they were not even able to serve the witness summons to L.W.1. Hence, relying upon the Judgment of the Hon'ble Supreme Court referred above, which has quashed the proceedings for inordinate delay, the present Criminal Original Petition is filed.

3.The learned Additional Public Prosecutor appearing for the State would submit that out of 17 listed witnesses, at present only 10 of them are alive and the prosecution has examined P.W.1 and for the rest of the witnesses, summons have been issued for examining them on 16.04.2020. He would further submit that the inordinate delay in commencing the trial was due to the death of L.Ws.2, 3, 4, 5 and 6, who are all witnesses to the occurrence.

4.Taking note of the fact that the trial has commenced and summons have been issued for the remaining witnesses, this Court finds that by an interim order of this Court, dated 31.08.2016, for nearly 3½ years, there was no progress in the trial.

5.In the above said circumstances, this Court is of the view that the Criminal Original Petition stands disposed of with the following directions:-

(i)The learned Assistant Sessions Judge (Sub-Court), Devakottai, shall examine the witnesses on day to day basis and complete the trial within a period of two months from the date of receipt of copy of this order.

(ii)The petitioner shall co-operate with the trial by presenting themselves before the Court and participate in the examination of the witnesses.
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj i

To

1.The Assistant Sessions Judge (Sub-Court), Devakottai.



2.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) No.15915 of 2016

19.03.2020

CN(14.05.2020) 3P 4C