



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.10.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.28824/2015& MP.No.1/2015

[Video Conferencing]

1.V.Kumar

2.V.Jayanthi

... Petitioners/A3 & A4

Versus

T.Gunasekaran

... Respondent/Complainant

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the proceedings S.T.C.No.39/2013 on the file of the Learned Judicial Magistrate of Kallakurichi and quash the same.

For Petitioners : No appearance

For Respondent : Mr.J.Vinoth
for Mr.N.Kolandaivelu

ORDER

- (1) Again there is no representation on behalf of the petitioner.
- (2) My attention was drawn to an order dated 04.09.2020 passed by a learned Single Judge of this Court [M.NIRMAL KUMAR, J.] in Crl.OP.No.17805/2014, which was the petition filed by A2 in STC.No.39/2013 now pending on the file of the Court of Judicial Magistrate at Kallakurichi.
- (3) After elaborately discussing the facts and the law, finally the learned Judge had stated that the contentions and defence of the petitioner therein/A2, are factual in nature and therefore, the said contentions /defence may be raised during the trial in STC.No.39/2013. Consequently, Crl.OP.No.17805/2014 was dismissed. The learned Judge had also given a direction to the Trial Court to complete the trial within three months from the date of lifting of lock down and normal functioning of the Court below. This order, as stated, was on 04.09.2020.
- (4) The present petition had been filed by A3 and A4 once again



questioning the further progress of STC.No.39/2013 on the file of the Court of Judicial Magistrate at Kallakurichi.

- (5) It would be highly inappropriate on the part of this Court to once again examine the facts raised, particularly, since the learned Judge had directed the Trial Court to complete the trial within a period of three months.
- (6) There cannot be two conflicting orders, on the one hand, directing the Trial Court to complete the trial and on the other hand, interfering with the progress.
- (7) I am also informed that there are Non Bailable Warrants pending against few of the accused.
- (8) Without entering into further discussion and giving liberty to the present petitioners/A3 and A4 also, as was given to A2/petitioner in Crl.OP.No.17805/2014 to raise all the issues during the course of trial, the present petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Judicial Magistrate, Kallakurichi.

2.The Public Prosecutor
High Court, Madras.

Crl.OP.No.28824/2015

AD(CO)
CB(18/10/2021)