

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.1837 of 2021

1. Venkatachalam
2. Jayaraman
3. Vasantha
4. Thirumal
5. Panneer

... Petitioners/Accused
No.5 to 7, 9 & 10

vs.

The State Rep by,
The Inspector of Police
Kallavi Police Station,
Krishnagiri District.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate at Uthangarai to dispose of the C.C.No.117 of 2016 within a stipulated period in accordance with law.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed for a direction to the Court below to dispose of the proceedings in CC No.117 of 2016 within a time stipulated by this Court.

2. The Final Report has been filed as against 10 accused persons. It is seen from the case Status Report that NBW is pending as against some of the accused persons and as a result of the same, there is no progress in the trial. Hence five of the accused persons have approached this Court to direct the Court below to take proceedings within a time frame.

3. Taking into consideration the facts and circumstances of the case and also of the fact that the calendar case has been

pending from the year 2016 onwards, there shall be a direction to the Court below to ensure that all the accused persons are present during every hearing date. If any attempt is made by any of the accused persons to delay the trial, it is open to the trial Court to insist upon their presence and remand them to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191. If the Court below finds that some of the accused persons cannot be secured in the near future, the case can be split up and the trial can proceed as against the available accused persons. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Cr1) 288 SC].

4. The Court below is directed to complete the proceedings in CC No.117 of 2016, within a period of six months from the date of receipt of a copy of this order and submit a Compliance Report to this Court.

5. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

1. The Judicial Magistrate,
Uthangudi at Krishnagiri.

2. The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.

3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.D.DAYALAN, Advocate, S.R.No.6377

GMR(CO)
SM/08/03/2021

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