

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP. No.2396 of 2021

and

Crl.MP.Nos.1321 & 1322 of 2021

K.Suresh

... Petitioner/Accused-2

vs.

1.The State rep.by

The Inspector of Police,
All Women Police Station,
Virudhachalam,
Cuddalore District.

...Complainant /Respondent No-1

2.Bavani

... Respondents/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pursuant to the PRC No.16 of 2012 in Crime No.18 of 2011, on the file of Judicial Magistrate No.2 and quash the same insofar as the petitioner is concerned by allowing this criminal original petition.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents: Mr.M.Mohammed Riyaz

Additional Public Prosecutor
for R 1

ORDER

This petition has been filed seeking to quash the proceedings in PRC No.16 of 2012, on the file of Judicial Magistrate No.II, Virudhachalam.

2.When the matter came up for admission, this Court called for a report from the Court below as to why the case is pending at the stage of committal for such a longtime. A report has been sent by the Judicial Magistrate II, Virudachalam. It is seen from the report that A-1 to A-5 had already filed Crl.OP.No.26825 of 2012, before this Court seeking to quash the proceedings. This petition was disposed of by an order

dt.20.12.2019, by issuing directions to the Court below to complete the proceedings. The presence of the accused persons was also dispensed with and they were directed to appear on certain occasions. It is further seen from the report that A-1 to A-5 were present on 11.01.2021, before the Court below and they have also been furnished with the copies. The report also shows that the case has been committed to the Sessions Court and the accused persons have been directed to appear before the Principal Sessions Court, Cuddalore on 08.02.2021.

3.Taking into consideration the facts and circumstances of the case, there shall be a direction to the trial Court to complete the proceedings within a period of three months from the date of framing of the charges. The trial shall be conducted on a day to day basis in accordance with the guidelines given by the Hon'ble Supreme Court in Vinod Kumar Vs State of Punjab reported in [2015 (1) MLJ (Cr1) 288 SC]. If the accused persons adopt any dilatory tactics, 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 reported in (JT 2001 (4) SC 3191).

4.This criminal original petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

- 1.The Inspector of Police,
All Women Police Station,
Virudhachalam,
Cuddalore District.
- 2.Judicial Magistrate No.II,
Virudhachalam.
- 3.The Public Prosecutor,
High Court of Madras, Madras.

+2ccs to M/s.Krishnaswamy Chinnasamy, Advocat, Sr.No. 15571

Cr1.OP.No.2396 of 2021

AAB (CO)

RMP (30/03/2021)