

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.3601 of 2021

1. C.K.Basheer

2. Junaitha Banu

... Petitioners

vs.

The State

Rep. By the Sub Inspector of Police,
Kuniamuthur Police Station,
Coimbatore.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Judicial Magistrate Court No.VII, Coimbatore to expedite the trial in S.T.C. No.4816 of 2019 and pass judgment in S.T.C.No.4816 of 2019 and C.C.No.440 of 2016 on the same day.

For Petitioners: Mr.S.B.Viswanathan

For Respondents: Mr.C.Raghavan

Government Advocate (crl. Side)

ORDER

This petition has been filed for a direction to the Court below to expedite the trial in STC No.4816 of 2019 and CC No.440 of 2016.

2. It is seen from records that there was a case and counter resulting in registration of two FIRs in Crime Nos.176 of 2016 and 218 of 2016. After investigation, Final Report has been filed in both the FIRs. Unfortunately two different Courts had taken cognizance of the Final Report.

3. The FIR in Crime No.176 of 2016 resulted in CC.No.440 of 2016 on the file of the learned Judicial Magistrate No.VII, Coimbatore. Whereas the FIR in Crime No.218 of 2016 resulted in STC No.4816 of 2019, initially before the Judicial Magistrate No.VII, Coimbatore and it was subsequently, transferred to the

Fast Track Court. As a result of the same, both cases were heard by different Courts. Ultimately STC No.4816 of 2019 was again transferred back to the file of the Judicial Magistrate No.VII, Coimbatore.

4. Due to the above confusion, there was progress in CC No.440 of 2016, where three witnesses were examined on the side of the prosecution. Whereas in STC No.4816 of 2019 there was absolutely no progress and no witnesses were examined. At this stage the petitioners have approached this Court seeking for expediting the trial in both the cases.

5. Heard Mr.S.B.Viswanathan learned counsel appearing for the petitioners and Mr.C.Raghavan, learned Government Advocate appearing for the respondent.

6. Where two Final Reports are filed by the respondent Police in a case and counter, the Trial Court is expected to conduct simultaneous trial in line with the guidelines issued by the Hon'ble Supreme Court in Nathi lal vs. State of Uttar Pradesh, reported in 1990 SCC CrI 638. This judgment was followed by this Court in Ganesan v. State, and the guidelines were reiterated at paragraph Nos.32 and 33 in the judgment reported in 2011 (5) CTC 747. In view of the same, the Court below will have to conduct the trial in both the cases in accordance with these guidelines and the way in which the trial had taken place till now is not in line with these guidelines.

7. In view of the above discussion, there shall be a direction to the learned Judicial Magistrate No.VII, Coimbatore, to conduct the trial in CC No.440 of 2016 and STC No.4816 of 2019 in line with the guidelines issued in the judgments referred supra and complete the proceedings within a period of four months from the date of receipt of a copy of this order.

8. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

jv

To

1.The Judicial Magistrate Court No.VII,
Coimbatore.

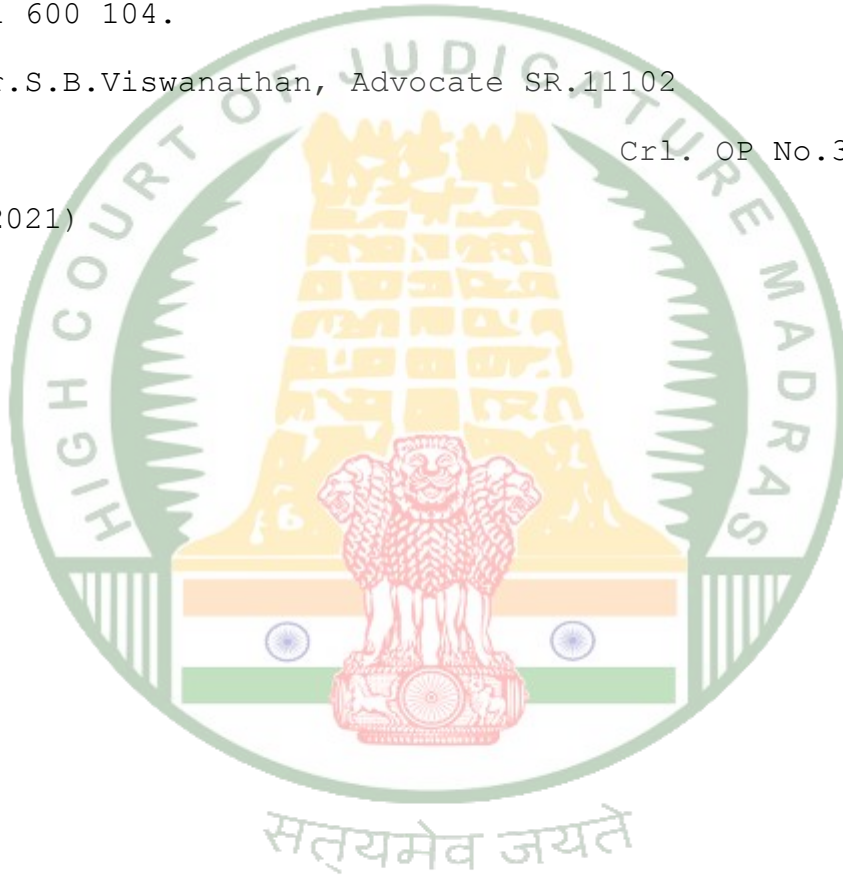
2.The Sub Inspector of Police,
Kuniamuthur Police Station,
Coimbatore.

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

+1cc to Mr.S.B.Viswanathan, Advocate SR.11102

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PL(CO)
CB(17/03/2021)



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