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Crl.O.P.No.5057 of 2021
and Crl.M.P.No.3211 of 2021

A.D.JAGADISH CHANDIRA, J.

The matter is placed before this Court on the letter received from the Court below, seeking extension of time to complete the proceedings in Spl.C.C.No.2 of 2021 on the file of the learned Chief Judicial Magistrate, Vellore District.

2. It is seen that this Court, while disposing the case in Crl.O.P.No.5057 of 2021 on 30.03.2021, had directed the trial Court to complete the trial in Spl.C.C.No.2 of 2021 within a period of three months from the date of receipt of a copy of that order and directed that the trial shall be conducted on a day to day basis in line with the judgment of the Hon'ble Supreme Court in *Vinod Kumar vs. State of Punjab (2015 (1) MLJ (Crl) 288 SC)*. However, now, the learned Chief Judicial Magistrate, Vellore District, had sent a letter in Dis.No.4157/2023 dated 21.11.2023 sought for extension of time to complete the trial. The relevant paragraphs of the request letter is extracted hereunder :-



“I further submit that I assumed charge as Chief Judicial Magistrate, Vellore on 03.05.2023 and after assumption of charge, I have taken sincere efforts to dispose the case. There are 41 witnesses listed by the Prosecution in the Spl.C.C.No.2/2021 above case and out of 41 listed witnesses, 14 witnesses viz., PW1 to PW14 were examined and the case is now posted to 21.11.2023, for examination of further witnesses. There are 14 witnesses have to be examined, of which one of the witness is an IAS Officer, being the Sanctioning authority and four other witness are the Police officials and they are placed in different places and procuring them will take time. Apart from that, the Spl case No.2/2021 is being tried along with Spl.CC.No.10/2021 and Spl.C.C.No.11/2021. The said Accused A5 & A6 those who are the petitioners in Crl.O.P.No.5057/2021 of Hon'ble High Court, Madras are also accused in other two cases.

I further submit that, the Special Public Prosecutor is attending this court two days in a week. So the cases are being adjourned accordingly subject to the convenient and availability of Special Public Prosecutor. I have been taking endeavours to dispose the above case but, I could not dispose the case within the time prescribed and extended time. I further submit that, I will take effective steps to dispose the above case as expeditious as possible.”



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3. Learned Government Advocate (CrI.Side) submitted that the learned trial Judge assume charge as Chief Judicial Magistrate on 03.05.2023 and so far, 14 witnesses have been examined out of 41 witnesses. He further submitted that the case now stands posted to 26.12.2023 and the respondent would be able to produce the remaining witnesses within period of three months. Hence, he sought for extension of time.

4. Considering the reasons and the requests made by the learned Chief Judicial Magistrate, Vellore District as well as by the learned Government Advocate (CrI.Side), this Court feels it appropriate to extend the time by four months.

5. Accordingly, the time for disposing the case in Spl.C.C.No.2 of 2021 on the file of the learned Chief Judicial Magistrate, Vellore District is further extended by four months from today.

20.12.2023

Note to office:-

The Chief Judicial Magistrate,
Vellore District, may be apprised of the extension
of time forthwith.

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