

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.04.2021
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15 of 2018

1. K.Mariyappan
2. D.Muthukumar
3. A.Veeran

...Petitioners

Vs.

1. State By:

The Inspector of Police,
J-4, Kotturpuram Police Station,
Kotturpuram, Chennai-600 085.
(Crime No.970 of 2016)

2. S.Siva Elango

...Respondents

Prayer: The Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.1423 of 2017 pending on the file of the IX Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioners : Mr.L.Rajasekar
For R1 : Mr.T.Shanmugarajeswaran
Government Advocate (Crl.Side)
For R2 : Mr.D.Asenthamani

O R D E R

This Criminal Original Petition has been filed seeking to call for the records in C.C.No.1423 of 2017 pending on the file of the IX Metropolitan Magistrate, Saidapet, Chennai and quash the same.

2. The case of the petitioners, who are the practising advocates. The allegation made against the petitioners is that the petitioners have attacked the defacto complainant, while he was demanding a chair from the Judicial Officer. Thereby, the defacto complainant had preferred the present complaint.

3. The learned counsel for the petitioners submit that without going into the merits of the case, it would suffice, if this Court issues direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioners before the Trial Court may be dispensed with and would further submit that

the petitioners are ready to appear as and when necessary arises. He would further submit that he requested the case may be transferred from IX Metropolitan Magistrate, Saidapet, Chennai to the learned II Metropolitan Magistrate, Egmore.

4.The learned Government Advocate (Cr1.Side) appearing for the first respondent concede to the request made by the learned counsel appearing for the petitioners.

5. Heard the learned counsel appearing for the second respondent.

6.In view of the above, this Court directs the learned IX Metropolitan Magistrate, Saidapet, Chennai, to transfer the case to the II Metropolitan Magistrate, Egmore, Chennai and the learned II Metropolitan Magistrate, Egmore, Chennai, to expedite the trial in C.C.No.1423 of 2017 and complete the same within a period of six months from the date of receipt of a copy of this order. The appearance of the petitioners before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioners for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary.

7.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mstrm
To

1.The learned IX Metropolitan Magistrate,
Saidapet, Chennai.

2. The learned II Metropolitan Magistrate,
Egmore, Chennai.

3. The Inspector of Police,
J-4, Kotturpuram Police Station,
Kotturpuram, Chennai-600 085.

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

+lcc to Mr.L.Rajasekhar, Advocate SR.No. 22323

Cr1.O.P.No.15 of 2018

gpl(CO)

A.SK(17.06.2021)