

Crl.O.P.No.10879 of 2021

M.NIRMAL KUMAR, J.

This Court, in continuation and in conjunction with the earlier order dated 25.06.2021, is passing the following order.

2.As per the order of this Court dated 25.06.2021, a report has been received from the learned Sessions Judge, Mahila Court, Chengalpet in D.No.375 of 2021, dated 15.07.2021.

3.From the report, it is seen that the case in S.C.No.23 of 2016 is pending against nine accused persons A1-Jeyakrishnan, A2-Lakshmi, A3-Mangayarkarasi, A4-Gajalakshmi, A5-Parthasarathy, A6-Deepalakshmi, A7-Prakash @ Gnanaprakasam (Died), A8-Pachaiyappan and A9-Ashok @ Ashokkumar. On 07.10.2016, the charge sheet was filed against all the accused for offence under Sections 294(b), 306 and 201 of IPC. Later, the petitioner has filed a petition for alteration of charges before the trial Court in Crl.M.P.No.1289 of 2017 stating that the Doctor, who conducted the Autopsy on the deceased has issued postmortem certificate with

opinion that the 'Death is due to cumulative effect of strangulation and smothering (asphyxia)'. The trial Court, by order, dated 24.09.2018 allowed the petition in CrI.M.P.No.1289 of 2017. Thereafter, the case in S.C.No.23 of 2016 was periodically adjourned for alteration of charges and for production of death certificate of A7. On 01.10.2018, at the request of the Police, the case was adjourned to 11.10.2018 for production of death certificate of A7 and thereafter, the case was periodically adjourned.

4.It is also seen that during the pendency of the trial, A3 and A9 have filed Quash Petition in CrI.O.P.No.27434 of 2016; A4 and A7 have filed Quash Petition in CrI.O.P.No.6392 of 2017 and A8 has filed Quash Petition in CrI.O.P.No.2350 of 2017 to quash the case in S.C.No.23 of 2016. Due to stay granted by this Court in these Quash Petitions, the case in S.C.No.23 of 2016 has been periodically adjourned. Further, except A1, other accused have filed a petition under Section 317 Cr.P.C., and the same was allowed. For alteration of charge, the case was adjourned to 21.01.2020, 24.01.2020, 04.02.2020, 20.02.2020 and 06.03.2020, but on all these days the accused did not appear and the case was adjourned on

all those days. Thereafter, due to COVID-19 lock down, the case was periodically adjourned. The present Presiding Officer on 27.05.2020 took charge of the Court and she adjourned the cases periodically. After 18.01.2020, the functioning of the lower Court slowly resumed and the cases were periodically taken up for hearing. Again, during the month of May 2021, some restrictions were imposed due to COVID-19 second wave.

5.Due to the pendency of these quash petitions and the dispense with of the personal appearance of the accused has been ordered, the trial in S.C.No.23 of 2016 could not be proceeded. The learned Sessions Judge, Mahila Court, Chengalpeta informs that the Court is ready with altered charges and the same would be read over to the accused and trial would be completed within a stipulated time.

6.Since the case in S.C.No.23 of 2016 is pending for more than 5 years without any progress, Registry, High Court, Madras is directed to list all the Criminal Original Petitions in Crl.O.P.Nos.27434 of 2016, 6392 of 2017 & 2350 of 2017 along with this petition before the concerned

Court after getting appropriate order from My Lord the Hon'ble Chief Justice.

30.07.2021

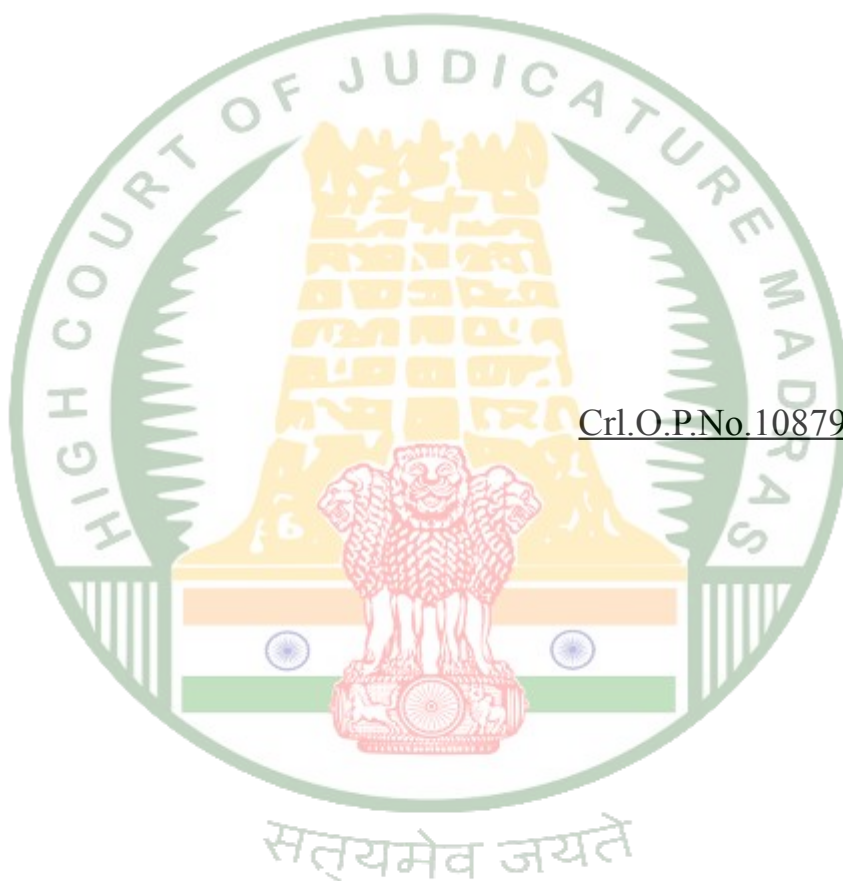
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