



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11883 of 2021

Renny Jose,
Partner, Core Energy Ventures
Office at A-22, Phase-III, SIDCO
Thiru-Vi-Ka, Industrial Estate,
Guindy, Chennai 600 032.

... Petitioner/Defecto
Complainant

Versus

The State Rep.by its
The Sub-Inspector of Police
Central Crime Branch
Veppery, Chennai
(Crime.No.424 of 2011)

... Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Metropolitan Magistrate to conduct expeditious trial in C.C.No.10032 of 2017 pending before the CCB & CBCID Metropolitan Magistrate Special Court, Egmore, Within a time frame as stipulated by this Court.

For Petitioner : Mr.G.Mutharasu
For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl.Side)

ORDER

This petition filed to direct the Metropolitan Magistrate to conduct expeditious trial in C.C.No.10032 of 2017 pending before the CCB & CBCID Metropolitan Magistrate Special Court, Egmore, within a time frame as stipulated by this Court.

2. The petitioner/defacto complainant had filed this petition with a prayer to direct the trial Court to complete the trial in C.C.No.10032 of 2017 within a stipulated period.

3. The learned counsel for the petitioner submitted that in this case, investigation started in the year 2011 and charge sheet was taken on file in C.C.No.6433 of 2014 and thereafter, it was pending before the XI Metropolitan Magistrate, Saidapet, Chennai, without any progress. Thereafter, on function of Special Court the case was transferred to the CCB



& CBCID Metropolitan Magistrate Special Court, Egmore and renumbered as C.C.No.10032 of 2017. However, the accused failed to appear. In the year 2019, the accused after obtaining the anticipatory bail, appeared before the trial Court. Thereafter, immediately filed a discharge petition in Cr.M.P.No.6498 of 2019 and the same was dismissed on 03.02.2020. Now the accused filed a revision before the Principal Session Court, Chennai in CrI.R.C.No.9 of 2020. Since the revision case is pending, the trial Court has not proceeded with the trial, even though there is no stay.

4. The learned Government Advocate (CrI.Side) has submitted that in this case accused have obtained anticipatory bail. Thereafter, they had appeared before the trial Court and filed a discharge petition in CrI.M.P.No.6498 of 2019 and the miscellaneous petition dismissed on 03.02.2020. Thereafter, the revision is filed in CrI.R.C.No.9 of 2020 and arguments have been heard and it is posted for further arguments on the petitioner's side on 15.07.2021. The accused are facing trial for the offence under Sections 406 and 420 of IPC. Further due to the Covid-19 pandemic situation, the normal functioning of the trial Court has not been progressed as on date, except bail application and miscellaneous petition, other cases are periodically adjourned. He further submitted that after commencement of normal functioning of the Court, within a fixed time, the trial Court will be completed.

5. Considering the submission and perusal of the material, it is seen that due to the present Covid-19 pandemic situation, there is some restriction in the Court proceedings, wherein physical appearance of the witnesses and defense side Advocates are being restricted. Hence, the directions are issued to the trial Court to proceed with the trial and complete it within a period of six months after commencement of normal functioning of the Court. The pendency of the Revision Petition or any other petition is not an impediment to proceed with the trial, unless specify order of stay ordered by the Appellate Court.

6. With the above direction and observation, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dna



To

1.The XI Metropolitan Magistrate, Saidapet, Chennai.

2.The CCB & CBCID Metropolitan Magistrate Special Court,
Egmore.

3.The Sub-Inspector of Police
Central Crime Branch
Veppery, Chennai
(Crime.No.424 of 2011)

4.The Public Prosecutor,
High Court, Madras.

+1cc M/s.G.Mutharasu, Advocate SR.No.33221

CRL.O.P.No.11883 of 2021

SR II (CO)
B.VC (06/08/2021)