



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Fifth day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION Nos.7457,6600 & 6599 of 2021

IN CRL RC.1281/2020

H.SATHAK AHMED SHAW

[PETITIONER/IMPLEADED RESPONDENT/
DEFACTO COMPLAINANT IN
CRL.MP.No.7457/2021]

Vs

1 THE INSPECTOR OF POLICE,
CCB, CHENNAI
(CR.NO.815/2006)

[RESPONDENTS IN
CRL.MP.No.7457/2021]

2 N.DHANRAJKOCHAR
3 INDERCHAND D.KOCHAR
4 D.SURESH KUMAR KOCHAR
5 SARALA

1 N.DHANRAJKOCHAR
2 INDERCHAND D.KOCHAR
3 D.SURESH KUMAR KOCHAR
4 SARALA

..PETITIONERS IN CRL.MP.Nos.6600 AND
6599/2021

vs

1 THE INSPECTOR OF POLICE,
CCB, CHENNAI
(CR.NO.815/2006)

[RESPONDENTS IN
CRL.MP.Nos.6600 & 6599/2021]

2 H.SATHAK AHMED SHAW

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Original Petition Number.1281 of 2020 on the file of the High Court, the High Court will be pleased to

(i) vacate the interim stay granted in Crl.MP.No.6600/2021 in Crl.RC.No.1281/2020 dated 30.06.2021. (IN CRL.MP.NO.7457/2021)



(ii) Stay all further proceedings in Crl.A.No.82/2017 on the file of Principal Session Judge of Kancheepuram at Chengalpattu until the disposal of the present direction petition (IN CRL.MP.6600/2021)

(iii) direct the Principal Session Judge of Kancheepuram at Chengalpatti to remit the case papers to the learned Magistrate for taking additional evidence in Crl.A.NO.82/2017 on the file of Principal Session Judge of Kancheepuram at Chengalpatti in compliance with the common order dated 6th January 2021 in Crl.R.C.No.1281/2020, Crl.R.C.Nos. 2,5,6,7/2021 on the file of this Honble Court and order dated 7th January 2021 in Crl.R.C.NO.10/2021 on the file of this Honble Court in a time bound manner stipulated. (IN CRL.MP.6599/2021)

Order : These petitions coming on for orders upon perusing the petitions and Memorandum of Grounds in Crl.OP.NO.1281/2020 On the file of the High Court and upon hearing the arguments of M/S R.SINGARAVELAN SENIOR COUNSEL FOR M/S S.DORAISWAMY Advocate for the petitioner (IN CRL.MP.NO.7457/2021) AND M/S A.RAMESH SENIOR ADVOCATE FOR M/S B.A.SUJAY PRASANNA FOR PETITIONERS (IN CRL.MP.NO.6600 & 6599/2021) AND M/S S.SUGENDRAN Govt. Advocate (Crl. Side) (R-1) (IN CRL.MP.7457,6600 & 6599/2021) AND M/S A.RAMESH SENIOR ADVOCATE FOR M/S B.A.SUJAY PRASANNA (R-2 TO R-5) (IN CRL.MP.NO.7457/2021) M/S R.SINGARAVELAN SENIOR COUNSEL FOR M/S S.DORAISWAMY Advocate for the Respondent (R-2) (IN Crl.MP.6600 & 6599/2021) the court made the following order:-

Earlier, Revision Petitions in Crl.R.C.No.1281/2020 and Crl.R.C. 5, 6, 2 and 7 of 2021 have been filed against the dismissal order made by the learned Principal District and Sessions Judge, Chengalpattu, dismissing the petitions seeking to permit them to adduce additional evidence. This Court, by its order dated 06.01.2021 directed the Principal District and Sessions Judge, to permit the petitioners in the above Revisions to adduce addition evidence or direct it to be taken by the Magistrate.

2 Thereafter, as directed, the case was sent back to the Magistrate and the Magistrate posted the same for cross examination of P.W.8, the Investigating Officer. In the mean time, Crl.O.P.Nos.7582 and 8347 of 2021 have been filed seeking direction to expedite the appeal and struck off the evidence of P.W.8 recorded by the Magistrate. Since, this Court, by its order dated 22.04.2021 made in Crl.O.P.No.7582 of 2021 directed the Magistrate to complete the cross examination of P.W.8 and send back the bundle to the Sessions Judge on 26.04.2021 without giving any reason for further delay. Hence the Magistrate, without complying the earlier order of this Court dated 06.01.2021, has sent the bundle back to the Sessions Judge. The other petition in Crl.O.P.No.8347 of 2021 was directed to be posted before the Revision Court, by its order dated 30.04.2021.



3 Now, Crl.M.P.No.6599 of 2021 has been filed by the petitioners in the above Revisions seeking to direct the Principal District and Sessions Judge to remit back the bundle to the Magistrate to comply with the order of this Court dated 06.01.2021 and they also filed a petition in Crl.M.P.No.6600 of 2021 seeking to stay all further proceedings in the appeal pending before the Principal District and Sessions Judge. This Court, by its order dated 30.06.2021 granted stay of further proceedings in the appeal. Thereafter, petition in Crl.M.P.No.7457 of 2021 has been filed seeking to vacate the stay granted by this Court on 30.06.2021.

4 It is seen that without noticing the order of this Court dated 06.01.2021, the order dated 22.04.2021 was passed in Crl.O.P.No.7582 of 2021. Hence the trial Court is directed to permit the petitioners in the above criminal revision petitions to adduce additional evidence and mark the documents and give opportunity to both the parties to complete the exercise of letting additional evidence and cross examination and after recording the evidence, send the papers to the learned Principal District and Sessions Judge, Chengalpattu, on or before 09.09.2021 without any reason for further delay.

5 On receipt of the copies of the deposition and documents from the trial Court, the Appellate Court shall dispose of the Appeal in Crl.A.82 of 2017 on or before 30.09.2021. Further, both the counsel and the parties are directed to extend their fullest co-operation for effective compliance of order of this Court.

6 With the above observations, Crl.M.P.Nos.6599 and 6600 of 2021 are disposed of and consequently Crl.M.P.No.7457 of 2021 is dismissed.

-sd/-

05/08/2021

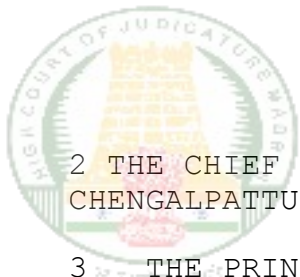
This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ALANDHUR



2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU (FOR INFORMATION)

3 THE PRINCIPAL SESSIONS JUDGE,
KANCHEEPURAM AT CHENGALPATTU

4 THE INSPECTOR OF POLICE,
CCB, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION, HIGH COURT,
MADRAS.

C.C. to M/S.S.DORAISWAMY Advocate on payment of necessary
charges

Order

in

CRL MP.Nos.7457,6600 & 6599 of 2021

IN CRL RC.1281/2020

Date :05/08/2021

From 7.2.2001 the Registry is issuing certified
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RVR 17/08/2021