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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No.13685 of 2021

Prasath

... Petitioner/3rd Accused

Versus

The State Rep.by
The Assistant Commissioner of Police,
Ayanavaram Police Range,
Chennai - 10.
(Crime No.55 of 2010)

... Respondent/Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned V Metropolitan Magistrate Court, Chennai to dispose C.C.No.4598 of 2010 within a period that may be fixed by this Court.

For Petitioner	: Mr.Aloysius Raja Pragash
For Respondent	: Mr.A.Damodaran, Government Advocate (Crl.Side)

ORDER

The petitioner, who is the third accused in Crime No.55 of 2010, is seeking a direction to direct the learned V-Metropolitan Magistrate Court, Chennai to complete the trial in C.C.No.4598 of 2010, for the offence under Section 406, 420, 385 r/w 24 of IPC., within a stipulated time.

2.The contention of the petitioner is that investigation was completed in the year 2010, thereafter, on completion of the investigation, charge sheet has been filed before the Trial Court and the same was taken on file in C.C.No.4598 of 2010, thereby, he was arrayed as third accused/A3 annexing the Statements of LW.1 to LW.14 and documents.

3.Before the Trial Court, the accused absented themselves alternatively and successfully dragging the trial. Thereafter, the case against A1 was split up by assigning C.C.No.964 of 2014, dated 20.08.2014 and the copy furnished to the accused A2 & A3. For questioning of the accused, it was successfully dragged for more than a year. Finally, on 05.07.2016, the accused was questioned, summons were issued and LW.1 to LW.14.



In this case, PW.1 was examined on 10.02.2020. In the meanwhile, A2 passed away. The petitioner is A3, who has been unnecessarily harassed and made to appear before the Trial Court from the year 2010 for nearly a decade. Hence, the above petition.

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4.The learned Government Advocate (crl.side) appearing for the respondent would submit that in this case A1 is consistently absconding and thereafter, the case against him was split up by CC.No.964 of 2014. A1 was thereafter secured and A2 passed away, during the pendency of trial. There are totally 14 witnesses to be examined before the Trial Court, within stipulated period. Further, PW.1 has already examined and the split up case and the present case are clubbed together viz., C.C.No.4598 of 2010 and CC.No.964 of 2014. The Trial Court may be directed to complete the trial within a stipulated time.

5.Considering the submission of the learned Government Advocate (crl.side) that steps have been taken to effectively complete the trial, in this case, this Court directs the Trial Court to complete the trial within a period of six months from the date of receipt of a copy of this order.

6.With the above observations and directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS VIII)
//True Copy//

Sub Assistant Registrar

klt

To

1. The Assistant Commissioner of Police,
Ayanavaram Police Range,
Chennai - 10
2. The Public Prosecutor,
High Court of Madras,
Madras.
3. The V Metropolitan Magistrate,
Chennai

+1CC to M/s.M.Aloysius Raja Pragash, Advocate, Sr.No.40210

CRL.O.P. No.13685 of 2021

PL (CO)

K.RK. (03.09.2021)