



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19262 of 2021 &
Crl.M.P.No.10548 & 10549 of 2021

A.E.Isaiah Honest Davidson

... Petitioner/Accused-2

Versus

1. The Inspector of Police,
District Crime Branch,
Dharmapuri,
Dharmapuri District.
Cr.No. 16/2014.

...1st Respondent/Complainant

2. Alfred William

...2nd Respondent/Defacto
Complainant

3.

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No.136 of 2017 on the file of the learned Judicial Magistrate Court No.II, Dharmapuri and quash the same.

For Petitioner :Mr.R.Anbalagan

For Respondents :Mr.R.Vinoth Raja,
Government Advocate (Crl.side)
For R1

O R D E R

The petitioner/A.2, who is facing trial along with two others for the offences under Sections 120(b), 406 and 420 IPC in Crime No.16 of 2014 in C.C.No.136 of 2017 has filed this quash petition.

2. The contention of the petitioner is that L.W.1 states about the other accused and not about this petitioner, who is said to have promised to secure a job for his son in sports quota in the Railway Department. He further submitted that the petitioner had not received any money or made any false promise,



but has been falsely implicated. In this case, none of the witnesses have spoken against the petitioner. Further, due to the registration of the above case, the petitioner had been suspended from his service on 29.02.2020, on the last date of his retirement, due to which, the petitioner has not been receiving any pension and he is suffering for his lively hood and survival. He further submitted that in this case, First Information Report was registered in the year 2014, charge sheet was filed in the year 2017 and thereafter, for the past 4 years, there is no progress in the trial. Hence, in alternate, sought a direction to complete the trial within a stipulated period.

3. The learned Government Advocate (crl.side) takes notice for 1st respondent and submitted that on the registration of First Information Report, witnesses have been examined listing LW1 to 20, documents and charge sheet has been filed against the petitioner. In this case, A.1 and this petitioner / A.2 alone appeared before the lower Court and A.3 absconded on serving of summons to him, therefore, the case is kept pending and cannot be progressed. There are witnesses who spoken about the role played by the accused and the points raised by the petitioner are to be raised during the trial and not in this quash application. He further submitted that effective steps would be taken to serve summons on A.3, failing which warrant would be obtained and thereafter, the same would be executed and the case would be split-up as against A.3. The petitioner shall file a petition to speed up the case as against him, in view of the fact that the petitioner / A.2 and A.1 had appeared. In any event, the trial can be completed within a period of six months and the prosecution would not be a reason for any delay.

4. Considering the submissions on either side, this Court directs the learned Judicial Magistrate No.II, Dharmapuri to take effective steps to execute summons or warrant against A.3's appearance or to split up the case and proceed against the petitioner/A.2 and A.1 and complete the trial within a period of six months.

With the above direction, the present Criminal Original petition is disposed of. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar



ssd/mdl

To

WEB COPY

1. The Judicial Magistrate Court No.II,
Dharmapuri.
2. The Inspector of Police,
District Crime Branch,
Dharmapuri,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Anbalagan, Advocate SR.No.63563

Cr1.O.P.No.19262 of 2021

&

Cr1.M.P.No.10548 & 10549 of 2021

RSI (CO)

CB(17/12/2021)