

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19963 of 2020

Appunu @ Jayakumar

... Petitioner

-Vs.-

State rep, by
Inspector of Police,
P2 Otteri Police Station,
Chennai.
(Cr.No.802/2009)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending trial S.C.No.429 of 2013 on the file of the VI Additional Sessions Judge, Chennai.

For Petitioner : Mr.A.Nirmal Kumar

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 04.08.2020 for the offence punishable under Sections 341, 393, 394, 397, 506(ii) r/w 34 IPC, in S.C.No.429 of 2013 on the file of the VI Additional Sessions Judge, Chennai.

2. It is a case of jumped bail, the petitioner is an accused in Crime No.802 of 2009 registered an offence under Sections 341, 393, 394, 397, 506(ii) r/w 34 IPC, the respondent, after completion of investigation, has filed the final report and the case has been taken up for trial during the year 2013 in S.C.No.429 of 2013 on the file of the learned VI Additional Sessions Judge, Chennai. Since the petitioner did not appear before the trial Court on 02.08.2016. The trial Court issued Non-Bailable Warrant of arrest against him and thereby, the petitioner was arrested on 04.08.2020 on execution of the Non-Bailable Warrant.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that due to illness, the petitioner was unable to appear before the trial Court on 02.08.2016 and thereby the learned Judge, issued Non-Bailable Warrant after the arrest due to illness, the petitioner was unable to appear the trial Court and thereby, he was arrested on 04.08.2020, he was in judicial custody for the past 4 months.

4. The learned Additional Public Prosecutor would vehemently oppose stating that it is a case of the year 2009 and pending for more than 11 years. He would further submit that the case was taken up trial in S.C.No.429 of 2013 on the file of the learned VI Additional Sessions Judge, Chennai, since the petitioner did not appear before the trial Court on 02.08.2016, the learned Judge, issued a Non-Bailable Warrant against the petitioner, the petitioner was arrested on 04.08.2020. He would further submit that there are 18 witnesses in this case and as of now the case has been posted on 21.01.2021 for examination of LW1 to LW4. He would further submit that the respondent are prepared to get along with the trial. At this stage, if the petitioner is enlarged on bail, there is every possibility of him getting absconded again and derail the progress of the trial.

5. This Court earlier by an order dated 15.12.2020 had directed the Registry to call for the report from the learned Principal Sessions, Judge, Chennai in respect of Sessions Cases which are pending due to non-execution of Non-Bailable warrants by various police station, this Court, also directed the Commissioner of Police, Chennai City to file a report with regard to the number of Non-Bailable Warrants pending on the file of the various police station within the Chennai jurisdiction. Now this Court understands that a similar report has been called for by the other bench of this Court with regard to the same issue. Hence Registry is directed to place the report before his Lordship Mr, V.BHARATHIDASAN.

6. In view of the above, this Criminal Original Petition is dismissed, however a direction is issued to the learned VI Additional Sessions Judge, Chennai to complete the trial in S.C.No.429 of 2013 preferably within a period of four months from 21.01.2021.

-sd/-

11/01/2021

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 VI ADDITIONAL SESSIONS JUDGE,
CHENNAI.

2 THE PRINCIPAL SESSIONS JUDGE,
CHENNAI.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE INSPECTOR OF POLICE,
P2 OTTERI POLICE STATION,
CHENNAI.

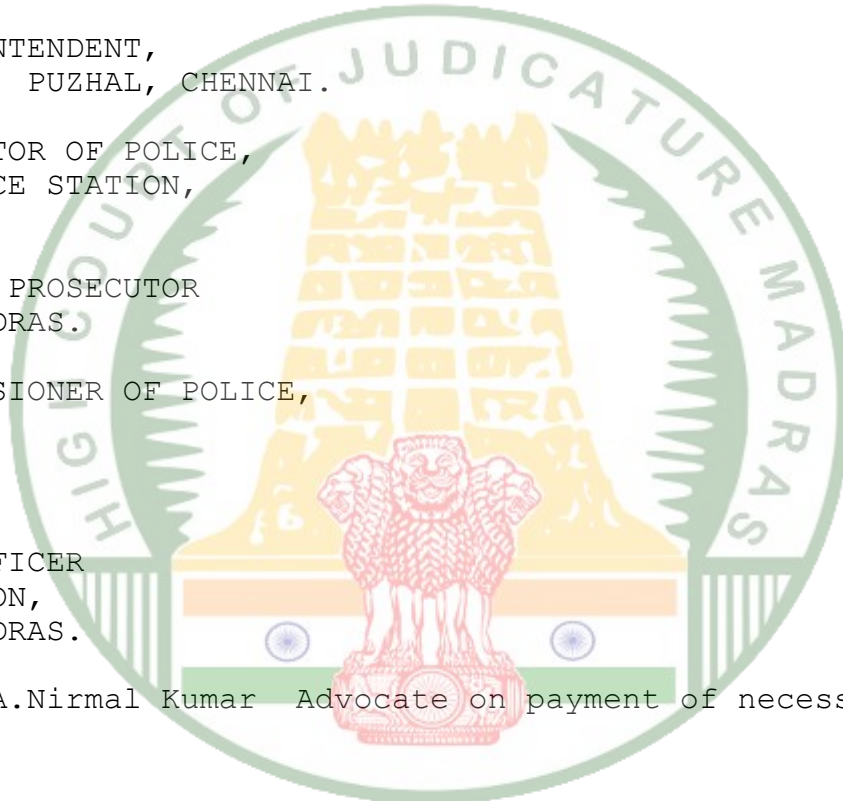
6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE COMMISSIONER OF POLICE,
CHENNAI CITY.

COPY TO:

THE SECTION OFFICER
CRIMINAL SECTION,
HIGH COURT, MADRAS.

CC to Mr.A.Nirmal Kumar Advocate on payment of necessary charges



सत्यमेव जयते

CRL OP.19963/2020

Date :11/01/2021

cs 22/01/2021

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