

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.No.27877 of 2018

Venkata Saravanan @
Chathurvedhi Samiyar ..Petitioner/Respondent/Accused-1

Vs.

1.The State rep by
Inspector of Police,
Central Crime Branch,
7th Team, Egmore,
Chennai 600 008.

2.Dr.B.Suresh ..Respondents

2nd respondent is impleaded as per the order of this
Court dated 14.12.2018 made in Crl.M.P.No.17233 of 2018
in Crl.O.P.No.27877 of 2018

PRAYER: Criminal Original Petition filed under Section 482 of
Cr.P.C., against the judgment and order in Crl.M.P.No.12966 of
2018 dated 12.10.2018 in S.C.No.387 of 2005 on the file of the
Sessions Judge, Mahila Court, Chennai.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.K.Prabakar, APP for R1

O R D E R

This criminal original petition has been filed against
the judgment and order passed in Crl.M.P.No.12966 of 2018
dated 12.10.2018 in S.C.No.387 of 2005 on the file of the
Sessions Judge, Mahila Court, Chennai.

2. The learned counsel for the petitioner submitted that
due to illness and unforeseen situation, the petitioner is
unable to appear before the Trial Court. Therefore, the Trial
Court declared him as a proclaimed offender. He also submitted
that the petitioner is now willing to appear before the Trial
Court to complete the trial without any adjournment.

3. The learned Additional Public Prosecutor has no
serious objection to set aside the order passed by the Trial
Court. However, he seeks direction of this Court to permit the
petitioner to appear before the Trial Court and complete the
trial within a reasonable time fixed by this Court.

4. The learned counsel for the intervenor also has no objection for seeking such direction.

5. Considering the facts and circumstances of the case, due to non-appearance of the petitioner, the impugned order was passed. Now, though various reasons raised for non appearance, however, without going into the merits of the case, this Court is inclined to set aside the order passed by Trial Court by issuing direction to the petitioner to appear before the Trial Court for each and every hearing without prolonging the matter.

6. The Trial Court is directed to club the case in S.C.No.198 of 2019 along with the main case in S.C.No.387 of 2005 and conduct the joint trial and conclude the trial within a period of six months from the date of receipt of a copy of this order, without any unnecessary adjournments.

7. Accordingly, the judgment and order passed by the Trial Court in CrI.M.P.No.12966 of 2018 dated 12.10.2018 in S.C.No.387 of 2005, is hereby set aside and this Criminal Original Petition stands disposed of. The petitioner is at liberty to file a recall petition under Section 70(2) of Cr.P.C., to recall the warrant, if necessary.

gsk

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

- 1.The Inspector of Police,
Central Crime Branch,
7th Team, Egmore, Chennai 600 008.
- 2.The Sessions Judge, Mahila Court, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.27877 of 2018

AK (CO)
EU 4/06/2021