



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Sixteenth day of November Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) No.17161 of 2021

R.RAVINDRAN

... PETITIONER/ACCUSED NO.1

Vs

1. THE STATE REP. BY,
THE INSPECTOR OF POLICE,
SOOLAKKARAI CIRCLE POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR.NO.141 OF 2011.

... RESPONDENT/COMPLAINANT

2. THIRUMARAN
VILLAGE ADMINISTRATIVE OFFICER,
VILLIPATHIRI VILLAGE,
C/O. TAHSILDAR, ARUPPUKOTTAI TALUK,
VIRUDHUNAGAR DISTRICT.

... RESPONDENT/
DEFACTO COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to call for the entire case records, records pertaining to the Charge Sheet in Sessions Case in SC.No.49 of 2021 on the file of the Sessions Judge, Mahila Court, Srivilliputhur, Virudhunagar District in Cr.No.141 of 2011 on the file of the 1st Respondent and quash the same as for as the Petitioner/Accused No.1 is concerned.

ORDER : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.A.KANNAN, Advocate for the petitioner, the court made the following order:-

This Petition was filed by the first accused in Crime No.141 of 2011 on the file of the learned Sessions Judge, Mahila Court, Srivilliputhur, Virudhunagar District seeking to quash the charge sheet in S.C.No.49 of 2021. As per the order dated 08.11.2021, this Court dismissed this petition directing the learned Sessions Judge to dispose of the case within a period of four months from the date of receipt of a copy of this order.



2. Subsequently, the learned Sessions Judge sought extension of time. This Court by order dated 07.07.2022 granted further three months time to dispose of the case. Now, this case is listed under the caption 'for extension of time' again.

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3. By letter, dated 02.11.2022, the learned Sessions Judge had sought further time to dispose of the case. As per the letter of the learned Sessions Judge, she had taken charge of the court only on 29.04.2022. On that date already six witnesses had been examined and the case was posted for examination of L.W.8 to L.W.14. Totally there are 46 witnesses in the list. Now the case had reached the stage of examining the Investigation Officer. The police officials are engaged in bandobust duty and they are not turned up.

4. The learned Sessions Judge/trial Judge shall act as an assertive trial Judge and he/she shall not act as an umpire in a cricket field watching the proceedings from the side line. He/She shall not be at the disposal of the appearing Counsel granting time on their whims and fancies. While recording evidence, if the accused absconds, he/she shall issue warrant and direct the Police officials concerned to secure the accused. If the accused is produced on execution of Non Bailable Warrant, the learned trial judge shall detain him/her in the Prison till the trial concludes in either acquitting or convicting the accused based on the appreciation of evidence. He/She shall not seek extension of time on the ground that the "accused is absconding and not cooperating".

5. When the witnesses are present, the learned trial Judge shall stick on to the ruling of the Hon'ble Supreme Court in *Vinoth Kumar vs. State of Punjab* regarding cross examination of witnesses by the learned Counsel appearing on behalf of the accused on the same day. Cross examination of witnesses shall not be deferred or petition under Section 311 Cr.P.C., shall not be entertained, when there is a specific instruction to complete the trial and to dispose the case within a stipulated time.

6. Since all the witnesses have been examined, the learned Sessions Judge, Mahila Court, Srivilliputhur, Virudhunagar District is directed to complete the trial and dispose of the case in S.C.No.49 of 2021 within a period of two months from the date of receipt of a copy of this order.

sd/-
16/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE SESSIONS JUDGE,
MAHILA COURT, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
2. THE INSPECTOR OF POLICE,
SOOLAKKARAI CIRCLE POLICE STATION,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17161 of 2021

Date :16/11/2022

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USK/VR/SAR-I/30.11.2022/3P/4C