



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.1711 of 2022

S.Dhanalakshmi ... Petitioner/ Defacto Complainant

Versus

1.The State rep. by
The Inspector of Police,
W-1, All Women Police Station,
Thousand lights, Chennai - 6.

2.G.Dakshinamurthy

3.G.Sushila ...Respondents/ Complainant/ Accused 1 & 2

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Metropolitan Magistrate-Additional Mahila Court, Egmore, Chennai to dispose the case in C.C.No.66 of 2017 within the time limit prescribed by this Court.

For Petitioner : Mr.M.Prabaharan

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to direct the Metropolitan Magistrate-Additional Mahila Court, Egmore, Chennai to dispose the case in C.C.No.66 of 2017 within the time limit prescribed by this Court.

2.The petitioner/defacto complainant, who was examined as PW1 in C.C.No.66 of 2017 has filed this petition.

3.The grievance of the petitioner is that in this case though charge sheet has been filed in the year 2017 before the XIV Metropolitan Magistrate-Additional Mahila Court, Egmore, Chennai for offence under sections 498-A, 406, 494 r/w 34 IPC, for one reason or other, the trial could not be commenced. The trial in this case was commenced only on 25.02.2021 and PW1 to



PW3 were examined. After the examination of PW3 on 04.09.2021, the counsel for the defence filed a petition under Section 311 Cr.P.C., to recall PW1 to PW3 and it is kept pending for four months without any progress. The petitioner and other witnesses are ready for cross examination, for some reason the 311 Cr.P.C petition kept pending and trial is stalled.

4.The learned Additional Public Prosecutor submits that there are only eight witnesses in this case, so far three witnesses have already been examined. The witnesses shall be produced as and when directed by the trial court and there would not be a delay on the part of the prosecution. The accused are adopting dilatory tactics to stall the trial. In any event, the trial can be commenced, within a period of four months from the date of normal functioning of the Court, by considering that the witnesses are ready to co-operate with the trial, it is only on the part of accused not cross examining the witnesses and the case has been stalled.

5.Considering the submissions and on perusal of the materials, this Court directs the respondent police to produce PW1 to PW3, within a period of 15 days, from the date of normal functioning of the Court. Thereafter, the trial Court is directed to ensure that the accused to cross examine the witnesses without any delay. The rest of the witnesses to be produced immediately, thereafter the entire trial would be completed within a period of four months, by following the guidelines issued by the Hon'ble Supreme Court of India. If the accused are adopting any dilatory tactics, the trial Court is directed to take coercive action against them including the cancellation of bail.

6.With the above directions, this Criminal original petition stands disposed of.

Sd/-
Assistant Registrar(CS-IX)

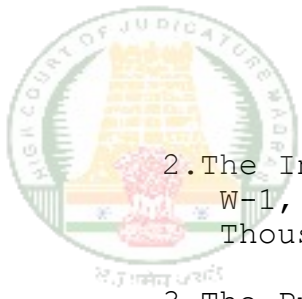
//True Copy//

Sub Assistant Registrar

ah

To

1.The Metropolitan Magistrate,
Additional Mahila Court,
Egmore, Chennai.



2.The Inspector of Police,
W-1, All Women Police Station,
Thousand lights, Chennai - 6.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Prabharan, Advocate, S.R.No.5418

CRL.O.P.No.1711 of 2022

PMK (CO)
SB(17/02/2022)