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CrI.O.P.No.9113 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.9113 of 2015

R.Ganesan

... Petitioner/A-3

vs.

1.State Rep by
The Inspector of Police,
Central Crime Branch, Team-XV,
Vepery, Chennai.
(Crime No.93 of 2015)

2.K.Ganesan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for all the records in Crime No.93 of 2015 on the file of the first respondent and quash the same.

For Petitioner : Mr.P.Arunkumar
for Mr.J.Daniel

For Respondent-1 : Mr.L.Baskaran
Government Advocate (CrI. Side)

For Respondent-2 : No appearance

ORDER

This petition has been filed challenging the F.I.R. in Crime No.93 of 2015 on the file of the first respondent and quash the same.



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2. The learned Government Advocate (Crl. Side) submitted that in this case, investigation completed, charge sheet filed and the same is taken on file on 30.08.2022 in C.C.No.36 of 2022 on the file of Special Court for Exclusive Trial of Land Grabbing Cases-II, Periyamet. The case is filed against five accused persons, namely, A1 - Ganesan, A2 - T.R.Govindan, A3 - R.Ganesan, A4 - R.Elangovan and A5 - R.Maheshkumar for offences under Sections 419, 420, 465, 467, 468 and 471 I.P.C. In the charge sheet, 11 witnesses have been listed and documents marked. He further submitted that the trial itself could be completed within a stipulated period, since the occurrence had taken place in the year 2014 and there are only 11 witnesses, of which, except for de-facto complainant/L.W.1 all other witnesses are official witnesses. The Finger Print report also confirms the case of prosecution. Learned Government Advocate further submitted that they took all earnest steps to serve the summons to the accused.

3. In view of the above submission, this Criminal Original Petition is dismissed.

4. Finding that almost all witnesses are official witnesses, the trial Court is directed to give preference and ensure the presence of the accused



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and proceed with the trial without any delay. If the trial Court finds that the petitioner as well as other accused are adopting dilatory tactics, the trial Court shall take coercive action against the accused persons and conclude the trial within a period of six months from the date of receipt of a copy of this order.

14.09.2022
(2/2)

Index : Yes/No
Internet : Yes/No
rsi

To

- 1.The Inspector of Police,
Central Crime Branch, Team-XV,
Vepery, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The Special Judge,
Special Court for Exclusive Trial of Land Grabbing Cases-II,
Periyamet.



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M.NIRMAL KUMAR, J.

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