



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.2175 of 2019

L.Jyothi Muruganandam

..Petitioner

Vs.

State rep. by
The Deputy Superintendent of Police,
Civil Supplies CID, Coimbatore,
Coimbatore District.
(Crime No.98 of 2004)

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Judicial Magistrate -II, Salem to expedite the trial in C.C.No.446 of 2009 on day to day basis within stipulated time period.

For Petitioner : Mr.T.Sundaravadanam

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed by the 1st accused to expedite the trial in C.C.No.446 of 2009 on day to day basis within the stipulated period as fixed by this Court.

2. The learned counsel for the petitioner would submit that the amended final report in C.C.No.446 of 2009 against this petitioner and others was filed as early as on 29.04.2010, but there was no progress in the trial to enable the petitioner herein to prove his innocence and one of the accused by name R.Prakash has filed similar petition to expedite the trial, this Court has directed the respondent police to make of in the worth for completion of trial as expeditiously as possible. In spite of this order passed on 14.02.2017, still there is no progress in the trial.



3. The learned Government Advocate (Crl.Side) for the respondent would submit that there are about 15 accused in this case, one after another have approached this Court for quashing and that is the main reason for the delay in completion of the trial. The last quash petition filed by the 4th accused by name K.Rajagopal and others in Crl.O.P.No.19044 of 2017 came to be dismissed on 29.11.2021 with the following directions:

"8.In the result, this Criminal Original Petition is dismissed. Since the matter has been prolonging for all these years successfully, the trial Court shall ensure that the case should be disposed of expeditiously. If any of the accused adopt the delay in tactics one by one or avoiding the process of the Court, trial Court is at liberty to cancel the bail of the accused by invoking power under Section 309 of the Code of Criminal Procedure and proceed with the case. Consequently, connected Criminal Miscellaneous Petition is dismissed."

4. Since the impediment to proceed the trial has now been removed by the order of this Court in Crl.O.P.No.19044 of 2017 dated 29.11.2021, the respondent shall make endeavor to marshal their witnesses and complete the trial as expeditiously as possible.

5. Further, the learned Government Advocate (Crl.Side) would submit that pending trial A9, A10 and A13 died. Against the remaining accused the matter is adjourned to 21.07.2022 for prohibiting the accused regarding the charges.

6. Recording the said fact, the Criminal Original Petition is disposed of with a direction to the learned Judicial Magistrate to expedite the trial as early as possible.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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