



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.04.2022

CORAM

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP No.3847 of 2019
& Crl MP.No.2375 of 2019

1.Dr.A.G.Eye Hospitals Private Limited,
No.6, Officers colony,
Puthur, Trichy-620 017,
Rep.by its Managing Director,
Dr.Kummararaj.G.

2.Dr.Kummararaj.G,
Managing Director,
A.G.Eye Care Hospitals,
Unit of Dr.A.G.Eye Hospitals Private Limited,
No.6, Officers colony,
Puthur, Trichy-620 017

...Petitioners

Vs

M/s.Muthu Pharma Agencies Pvt., Ltd.,
rep. by its Manager,
Mr.R.M.Srinivasan,
Having its regd. office
at No.44, Police Commissioner Office Road,
Egmore,
Chennai-8

...Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C No.9877 of 2014 pending on the file of learned XIV Metropolitan Magistrate Court, Egmore, Chennai and quash the same as illegal by allowing this Criminal Original Petition.

For Petitioners :No appearance



ORDER

This Petition has been filed under Section 482 Cr.P.C., to call for the records in C.C No.9877 of 2014 pending on the file of learned XIV Metropolitan Magistrate Court, Egmore, Chennai and quash the same as illegal by allowing this Criminal Original Petition.

2.Today, when the case is taken up for hearing, the representing Counsel for the Petitioner sought for adjournment of the case without going into the merits of the case. From the cause list, it is found that there are four Counsels for the Petitioner. On perusal of the records, it is found that Dr.A.G.Eye Hospitals Private Limited, who was arrayed as A1 and Dr.Kummararaj, who was arrayed as A2 in CC No.9877 of 2014 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai, had preferred this Petition seeking to quash the charge sheet.

3.At the admission stage itself, interim stay was obtained, thereby, preventing the learned Magistrate from proceeding further with the trial. The Petitioners who were arrayed as accused, after enjoying the interim stay, had cleverly scuttled the trial from the year 2019 till 2022.

4.Today, when the case is taken up for hearing, none of the Counsels on record are present before this Court. This attitude is found among the Advocates not from the District Judiciary nor from the Subordinate Judiciary but from the High Court. The High Court, time and again issued directions to the trial Court to dispose of the cases without any delay, however, from the same High Court, the interim stay was obtained preventing the Subordinate Courts from proceeding with the trial and disposal of the cases. The attitude of the party/ accused, who are Petitioners before this Court against the guidelines of the High Court to dispose of the cases at the earliest, is highly condemnable particularly, when the case is posted for 'final disposal'. The representing counsel for the petitioner had appeared before this Court and surprised this Court by submitting that they are not ready to argue the case. The said submission of the representing Counsel for the Petitioner cannot be entertained, since having enjoyed the interim stay, the Petitioners have been successfully preventing the learned Judicial Magistrate to proceed with the trial for years together.



5. In view of the above, this Petition is dismissed, vacating the interim stay granted earlier by this Court and with a direction to the learned XIV Metropolitan Magistrate Court, Egmore, Chennai to proceed with the trial and dispose of the same within a period of three months from today. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The XIV Metropolitan Magistrate,
Egmore, Chennai
2. The Public Prosecutor,
High Court, Madras.

Cr1.OP No.3847 of 2019

RSV(CO)
SP(11/05/2022)