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CrI.O.P.No.5190 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

CrI.O.P.No.5190 of 2022

Ramesh @ Rasakrishnan

... Petitioner

-Vs-

State Rep.by
The Inspector of Police,
Special Wing for bank fraud cases - XI
Central Crime Branch,
Vepery, Chennai - 600 007.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Metropolitan Magistrate, For Exclusive Trial of C.C.B cases and CB CID Metro Cases, Egmore, Chennai expedite the trial in C.C.No.10138 of 2014 on day to day basis and complete the same within the stipulated time as fixed by this Court.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.Leonard Aru Joseph Selvam
Govt.Advocate (CrI.side)

ORDER

This Criminal Original Petition has been filed to direct the learned Metropolitan Magistrate, For Exclusive Trial of C.C.B cases and CB CID



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Metro Cases, Egmore, Chennai expedite the trial in C.C.No.10138 of 2014 on day to day basis and complete the same within the stipulated time.

2. The learned counsel for the petitioner submitted that the accused A3 is in Special Camp, Trichy from the year of 2019, however the co-accused in C.C.No.10138 of 2014 were not secured within a reasonable time and the case is pending for the past 13 years without any progress to commence the trial and therefore the witnesses have not been produced.

3. The learned Government Advocate (Crl.side) submitted that only 23 witnesses have been cited in the final report and other witnesses will be produced as expeditiously as possible.

4. Heard both sides.

5. This Court is of the view that production of 23 witnesses has to be done by the Investigation Officer and the trial Court shall issue summon to those witnesses by fixing a date in the same week and all the



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witnesses shall be produced before the trial Court on that date when summon were issued. It is also seen that whenever summon is issued by the trial Court for appearance of the witnesses summon should be properly served on the witnesses by the Investigating Agency, failure to serve the summon or if there is any delay in serving the summon it is well open to the trial Court to impose cost on the Investigating Agency under Section 309 of Cr.P.C. for granting adjournments. In any event by adhering the above direction, the trial Court is directed to dispose of the matter within a period of three months from the date of receipt of a copy of this order.

6. With the above observation and direction the Criminal Original Petition is disposed of.

05.07.2022
(1/2)

Index : Yes/No
Internet : Yes/No
Speaking/Non speaking order
dpq



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To

1. The learned Metropolitan Magistrate,
For Exclusive Trial of C.C.B cases and
CB CID Metro Cases, Egmore, Chennai
2. The Inspector of Police,
Special Wing for bank fraud cases - XI
Central Crime Branch,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR,J.

dpq

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