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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.6917 of 2022

a n d

Crl.M.P.No.3916 of 2022

1. A.S.Mani

2. M.Parthiban

... Petitioners

Vs

1. The Inspector of Police
S 13 Chromepet P.S
Chennai 44.

2. A.N.Sengottaiyan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in respect of Criminal Case in S.C.No.58 of 2019 on the file of the Sub-Court/Assistant Sessions at Tambaram, Chennai and quash the same.

For Petitioners : Mr.N.Ramesh

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R.1

O R D E R

This Criminal Original Petition has been filed to quash S.C.No.58 of 2019, pending on the file of the Sub-Court/Assistant Sessions at Tambaram.

2. Heard Mr.N.Ramesh, learned counsel for the petitioners and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the first respondent.

3. Learned counsel appearing for the petitioners submitted that the defacto complainant is already died, which is not yet reported to the trial Court, by the respondent Police. Despite the presence of other witnesses, trial has not proceeded.



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4. From the materials available on record, it could be deduced that S.C.No.58 of 2019, is pending on the file of the Sub-Court/Assistant Sessions, Tambaram, Chennai, for more than 10 years. Final report is already filed and ten witnesses have already been examined.

5. This Court is not going into the merits of the issues, at this stage. In such a view of the matter, keeping the trial for more than ten years and forcing the parties to face the ordeal of the trial, the very concept of the speedy trial is violated. Station House Officer shall report to the concerned Sessions Court about the death of the defacto complainant and produce all the witnesses, on the date on which their production is fixed by the trial Court, which shall be within a period of fifteen days from today and trial shall be completed within a period of two months, thereafter.

6. With the above direction, this Criminal Original Petition is disposed of. In the event, the Police has not produced the witnesses or on the failure of service of summons issued by the Court, the trial Court, shall impose cost on the Police, under Section 309 of the Code of Criminal Procedure and the same shall be recovered as fine under Section 431 of the Code of Criminal Procedure. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Subordinate Judge/Assistant Sessions Judge,
The Subordinate Court/Assistant Sessions at Tambaram, Chennai
2. The Inspector of Police
S 13 Chromepet Police Station
Chennai 44.
3. The Public Prosecutor, High Court, Madras.

+1cc to Mr.N.Ramesh, Advocate, S.R.No.38154

CrI. O.P. No.6917 of 2022

EV (CO)

UMA (28/06/2022)