



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9531 of 2022

1. N.S.Lavakumar,
S/o.N.V.Sankarlal

2. K.B.Vinoth Kumar,
S/o.Balaraman

3. N.S.Jeyandran,
S/o.N.V.Sankarlal

... Petitioners/Accused

Vs

State Represented by
The Inspector of Police,
Sevapet Police Station,
Salem.

(Crime No.557 of 2012)

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.III, Salem to dispose of the C.C.No.30 of 2014 as expeditiously as possible preferably within a stipulated time frame.

For Petitioners : Mr.S.Ganeshkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, to direct the learned Judicial Magistrate No.III, Salem to dispose of the C.C.No.30 of 2014 as expeditiously as possible preferably within a stipulated time frame.

2. The learned counsel for the petitioners would submit that the petitioners are accusing facing trial in C.C.No.30 of 2014 for the charges under Sections 409 and 109 of IPC.



3. The learned counsel for the petitioners would further submit that the case was taken on file during the year 2014 and after service of copies of charge sheet, the case was posted for trial and summons was issued to LW1 to LW5 on 22.04.2016 and thereafter the case was adjourned to 06.05.2016. Thereafter, the case was periodically adjourned due to non-production of witnesses until the year 2018.

4. On 16.02.2018, PW1 was produced and chief examination was done in part and thereafter the case was posted for continuation of chief on 13.03.2018 and once again due to non-production of PW1 by the respondent police, the case was adjourned till July 2018. Only on 01.08.2018, PW1 appeared and examination in chief was completed. PW1 was cross examined and the case was posted for summons to all other witnesses by 21.08.2018, but no witnesses were produced by the respondent police. Thereafter, the petitioners filed petition under Section 311 of Cr.P.C to recall PW1 for cross examination. It was returned on 29.01.2019 and thereafter petition under Section 91 of Cr.P.C was filed and numbered as C.M.P.No.1088 of 2019 and it is posted for filing of counter. Subsequently, none of other witnesses have been produced and the case is adjourned periodically. The petitioners being accused have a constitutional right for speedy trial and thereby he would pray that a direction may be issued to complete the trial.

5. The learned Additional Public Prosecutor for the respondent would submit that there are totally 8 witnesses in this case, so far LW1 has examined as PW1 and the trial Court adjourned the case for summons to other witnesses on 21.08.2018. He would further submit that the respondent will cooperate for the speedy trial.

6. In view of the above, a direction is issued to the trial Judge to complete the trial and deliver the Judgment within a period of six months from the date of receipt of a copy of this order.

7. This Criminal Original Petition stands disposed of with the above direction and observation.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

arb



To

1. The Judicial Magistrate No.III,
Salem.
2. The Inspector of Police,
Sevapet Police Station,
Salem.
3. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.S.Ganesh Kumar, Advocate, S.R.No.29567

Cr1.O.P.No.9531 of 2022

JP-II (CO)
SU(19/05/2022)