



WEB COPY



W.P.No.27000 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.27000 of 2021

V.Kamala

...

Petitioner

/vs/

1. The State of Tamilnadu,
Rep. by its Principal Secretary to the Government,
Home (Courts-II) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director General of Police,
No.1, Kamaraja Salai,
Mylapore, Chennai – 600 004.

3. The Deputy Superintendent of Police,
CBCID (OCU),
Salem City.

4. C.S.S.Pillai
Special Public Prosecutor (NIA Act cases),
Chennai.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing Sessions Court for Exclusive Trial of Bomb blast / NIA cases, Poonamallee to dispose of C.C. No.06/2014 pending on its file on merits and in accordance with law as expeditiously as possible.

For Petitioner	...	Mr. R.Thiyagarajan
For Respondents	...	Mr. A.Gopinath Govt. Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the Sessions Court for Exclusive Trial of Bomb blast / NIA cases, Poonamallee to dispose of C.C. No.06/2014 pending on its file on merits and in accordance with law as expeditiously as possible.

2. The learned counsel for the petitioner submitted that the petitioner is the mother of the *de facto* complainant; the deceased is the elder son of the petitioner and he was an Auditor at the time of the occurrence; the younger son of the petitioner had given the complaint and on the basis of which a case has been registered in Cr. No.297/2013 for the offence under



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Section 302 IPC; the deceased who is the son of the petitioner is said to have got associated with RSS from the year 1978 and he was holding an important position in BJP political party; the deceased was targeted by Islamic terrorist and there was a serial killing at the time of the occurrence and people belong to Hindutva movement were targeted; despite the occurrence had been taken place in the year 2013, charge sheet has been filed only in the year 2014; the eye witnesses of the occurrence were aged 80 years and their evidence is very material for the case; the petitioner herself is aged 91 years and she is struggling to get justice; despite charges have been framed as early as in the year 2014, the case has not been progressed in a reasonable phase; hence a direction should be given for speedy disposal of the case.

3. On perusal of the records, it is seen that charges have been framed as early as in the year 2014. Thereafter the matter was kept pending for service for a few hearings. It is astonishing to note that the matter is being adjourned for at least more than fifty hearings for counselling. It is not known what kind of counselling is given and for whom. Even if the



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counselling is presumed to have been given to the victim, that cannot be a bar for the conduction of the case. The concern of the petitioner is reasonable. Since the key witnesses are senior citizens and they are aged 80 years and the trial Court should act in a responsible manner to examine the senior citizen witnesses as expeditiously as possible.

4. Since the proceedings would reveal the insensitivity in conducting one of the oldest matters pending in the Court, I feel it is appropriate to impress the learned Judge, Sessions Court for Exclusive Trial of Bomb blast / NIA cases, Poonamallee, to dispose the case within a time frame.

5. Accordingly, the learned Judge, Sessions Court for Exclusive Trial of Bomb blast / NIA cases, Poonamallee is directed to dispose of the case in C.C. No.06/2014 pending on his file, as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of this order by posting the case on day-to-day basis and if needed, adjourning the case not beyond two or three days.



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6. With the above direction, this Writ Petition is disposed.

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Index: Yes/No

Speaking order / Non speaking order

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To:

1. The Principal Secretary to the Government,
Home (Courts-II) Department,
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Chennai – 600 009.
2. The Director General of Police,
No.1, Kamaraja Salai,
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4. The Public Prosecutor,
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R.N.MANJULA ,J.

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