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Crl.O.P No.29251 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.29251 of 2022

Ushman

... Petitioner

Vs.

1.State by

The Inspector of Police
Central Crime Branch
Job Racketing 8th Team
Vepperi, Chennai-600 007.

2.Mahaboob Ali

3.Haji Mohamed

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to issue a direction to the learned Metropolitan Magistrate for Trial of CCB and CBCID Cases, Egmore, Chennai to complete the trial in C.C No.5354 of 2016 without the cross examination of the witnesses who were already examined, within a reasonable time.



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For Petitioner : Mr.S.Nadhiya
For M/s.P.Pugalenthi

For Respondents : Mr.S.Santhosh for R1
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, seeking a direction to the learned Metropolitan Magistrate for Trial of CCB and CBCID Cases, Egmore, Chennai to complete the trial in C.C No.5354 of 2016 without the cross examination of the witnesses who were already examined, within a reasonable time.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the 1st respondent.

3. The petitioner is the de-facto complainant who has given the complaint pertaining to C.C No.5354 of 2016 pending on the file of the Metropolitan Magistrate for trial of CCB and CBCID Cases, Egmore, Chennai.



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4. The learned counsel for the petitioner submitted that the petitioner is a visually challenged person and he had given the complaint as early as in the year 2011; the charge sheet has also been laid in the year 2011 and it has been taken on file in C.C No.2886 of 2011 before the III Metropolitan Magistrate Court, George Town, Chennai and later, it has been transferred to the Metropolitan Magistrate Court for trial of CCB and CBCID Cases, Egmore, Chennai and the same has been renumbered as C.C No.5354 of 2016.

5. On perusal of the e-court adjournments, it is seen that the matter has been frequently adjourned for evidence from 04.12.2017. Despite the charge sheet has been filed in the year 2011 after completing the investigation, the trial has not yet been completed. It is not a case where the accused is absconding and hence the trial court cannot proceed with the trial.

6. It is to be noted that on 10.01.2020, this Court passed an order in Crl.O.P No.577 of 2020 to expedite the trial and dispose of the case in C.C



No.5354 of 2016 within a period of six months. But, the learned Metropolitan Magistrate for trial of CCB and CBCID Cases, Egmore, Chennai is unmindful of the direction and seems to be adjourning the matter frequently.

7. Despite the petitioner is a visually challenged person, the learned Magistrate has not chosen to expedite the matter. Hence the learned Metropolitan Magistrate for trial of CCB and CBCID Cases, Egmore, Chennai is directed to dispose of the case in C.C No.5354 of 2016, within a period of two months from the date of receipt of a copy of this order.

8. With the above direction, this Criminal Original Petition is disposed of.

29.11.2022

Index : Yes/No
Speaking Order : Yes / No
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To

1. The Metropolitan Magistrate for trial of CCB and CBCID Cases, Egmore,
Chennai

2. The Inspector of Police
Central Crime Branch
Job Racketing 8th Team
Vepperi, Chennai-600 007.

3. The Public Prosecutor
High Court of Madras.



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R.N.MANJULA.,J
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