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Crl.OP.No.31347 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31347 of 2022

Ashmath @ Ashmathulla Baiq

... Petitioner

Vs.

State rep by:

The Inspector of Police (L&O),
R-7, K.K.Nagar Police Station,
K.K.Nagar, Chennai 600 078.
Crime No.573 of 2013.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to
direct the learned XIX Additional Sessions Judge at Chennai to complete the trial
of the case in S.C.No.273 of 2019 as expeditiously as possible.

For Petitioner

: Mr.J.B.Solomon Peter Kamal Doss

For Respondent

: Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

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This Criminal Original Petition has been filed to direct the learned XIX Additional Sessions Judge, Chennai to complete the trial of the case in S.C.No.273 of 2019 as expeditiously as possible.

2. The learned counsel for the petitioner submitted that there are 30 accused in this case and the petitioner is arrayed as A24. All the 30 accused are regularly appearing before the Trial Court including the petitioner. However, so far as, only one witness has been examined. It is further submitted by the learned counsel for the petitioner that 161(3) statement of the witnesses LW2 and LW3 are not available in the records. Therefore, the learned XIX Additional Sessions Judge directed to address Committal Court for their statements and due to insufficient documents, the case was periodically adjourned. Hence, this petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent.



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4. Taking note of the fact that all the 30 accused are regularly appearing before the Trial Court and the 161(3) statement of the witnesses LW2 and LW3 are not available in the records, this Court directs the learned Additional Sessions Judge, Chennai to expedite the process of getting 161(3) statement of the witnesses LW2 and LW3 from the Committal Court, if it is available, or otherwise, take steps to reconstruct the 161(3) statement of the witnesses from police records. Further, the learned XIX Additional Sessions Judge is directed to dispose of the case in S.C.No.273 of 2019 as expeditiously as possible.

5. With the above direction, this Criminal Original Petition stands disposed of.

20.12.2022

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Note: Issue order copy on 23.12.2022

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G.CHANDRASEKHARAN,J.
shk

To

1.The Inspector of Police (L&O),
R-7, K.K.Nagar Police Station,
K.K.Nagar, Chennai 600 078.

2.The Public Prosecutor,
High Court of Madras.

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