



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Jurisdiction**

Friday, the Eleventh day of March Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

**CRL MP(MD) . No.3250 of 2022
in
CRL.O.P (MD)No.19512 of 2021**

Ragavan Chettiar ... Petitioner/2nd Respondent

Vs

Kanniah (Died)

1 Mookaiah ... 1st Respondent/2nd Petitioner

2 Tamilmani ... 2nd Respondent/1st Respondent

3 Thirunavukkarasu Chettiar
... 3rd Respondent/3rd Respondent

Prayer in CRL MP(MD) . No.3250 of 2022 :-

Criminal Miscellaneous Petition filed Under Section 482 of Cr.P.C. To recall the order dated. 09.12.2021 passed by the Hon`ble Court in Crl.O.P.(MD)No.19512 of 2021 and pass such further or other orders as this Hon`ble Court.

Prayer in CRL.O.P (MD)No.19512 of 2021:-

Criminal Original Petition filed Under Section 482 of Cr.P.C. To grant Direction, directing the Sessions Judge, Special Court for Exclusive Trial of Cases Under SC/ST (POA) Act, 1989, Sivagangai to complete the trial in S.C.No.27 of 2013, expeditiously, within the time limit that may be stipulated by this Hon`ble Court and thus render justice.

ORDER:- This Criminal Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.VR.SHANMUGANATHAN, Advocate for the Petitioner and of MR. C.CHRISTOPHER Advocate for the respondent(s), this Court made the following order:

One of the list witnesses in S.C.No.27 of 2013 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai, filed Crl.O.P.(MD) No.19512 of 2021 seeking expeditious disposal. Since what was sought, was only a direction



for speedy disposal, I dispensed with the issuance of notice to the respondents and ordered the criminal original petition on 09.12.2021 in the following terms:-

" 5. Therefore, the Court below is directed to ascertain the same. If there is no interim order, the Court below will make it clear to the accused that pendency of the revision cannot operate as stay. A short accommodation can be given to the accused to produce any interim order of stay, if it already has not been obtained. If the accused is unable to produce any interim order of stay, the trial will be taken up in right earnest. The case will be disposed of on merits and in accordance with law within a period of four months thereafter. "

2. The second respondent in the criminal original petition had filed this miscellaneous petition seeking recall of the said order. I pointed out that this was not a case in which the principles of natural justice needed to be complied with. I also pointed out that there is a bar under Section 362 of Cr.P.C. Though all the contentions set out in the miscellaneous petition stand rejected by me, still there is one formidable aspect which cannot be overcome.

3. I had earlier appeared for Ragavan Chettiar in the connected proceedings. Therefore, I could not have dealt with Crl.O.P.(MD) No.19512 of 2021. I was not aware of the same and Thiru.Mookaiah who filed the criminal original petition probably had no knowledge. The order dated 09.12.2021 in Crl.O.P.(MD)No.19512 of 2021 is recalled.

4. Registry to list the criminal original petition before the Hon'ble Judge having the roster.

Sd/-

Assistant Registrar (CS-I)

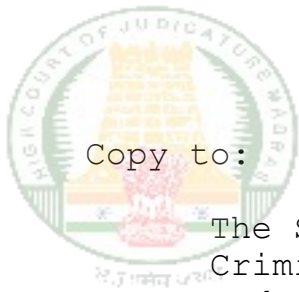
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/ /2022

Sub Assistant Registrar(CS)

TO

1. The Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST/(POA) Act, 1989, Sivagangai.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

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ORDER DATED : 11/03/2022

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ORDER

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CRL MP(MD) . No.3250 of 2022
in
CRL.O.P (MD) No.19512 of 2021

Giving direction and etc.
as stated within.

RK(07/04/2022) 3P 4C