



Crl.O.P.No.6837 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 28.03.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

**Crl.O.P.No.6837 of 2023**

Settu @ Selvaraj

...Petitioner

Vs.

The State represented by the  
Inspector of Police,  
Karipatty Police Station,  
Salem District.  
Crime No.333 of 2010.

...Respondent

**PRAYER:** Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned II Additional District and Sessions Judge, Salem, Salem District to complete the trial and dispose the case in S.C.No.305 of 2015 within a stipulated time limit.

For Petitioner : Mr.E.Kannadasan  
For Respondent : Mr.S.Santhosh  
Government Advocate (Crl.Side)



Crl.O.P.No.6837 of 2023

### **ORDER**

This Criminal Original Petition has been filed directing the learned II Additional District and Sessions Judge, Salem, Salem District to complete the trial and dispose the case in S.C.No.305 of 2015 within a stipulated time limit.

2. It is the submission of the learned counsel for the petitioner that though the case is pending from 2015 in S.C.No.305 of 2015, only six witnesses have been examined out of 27 witnesses on the side of the prosecution. One after the other accused deliberately remain absent leading the Court to issue Non-Bailable Warrant. At every point of time, Non-bailable Warrant is pending against one or the other accused, thus, preventing the progress of trial. It is his further submission that the accused have several criminal cases pending against them. Unless time limit is fixed for conclusion of trial, there is no possibility of completing the trial.



Crl.O.P.No.6837 of 2023

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3. In response, the learned Government Advocate (Crl.Side) submitted that as of now, Non-Bailable Warrant is pending against the first accused. A2 to A7 are being produced under PT warrant. Other accused are appearing.

4. Considered the rival submissions and perused the records.

5. This case has been registered and pending for trial for the commission of offences under Sections 147, 364, 302 r/w 149, 506(ii) and 201 of IPC. The fact is that from 2015, only six witnesses out of 27 witnesses were examined, shows that the accused are deliberately delaying the progress of trial by remaining absent and driving the Court to issue Non-Bailable Warrant, and keeping the Non-Bailable Warrant pending against them.

6. Therefore, this Court directs the respondent to execute the Non-Bailable Warrant pending against A1 and produce him before the Court



Crl.O.P.No.6837 of 2023

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immediately. This Court also directs the learned II Additional District and Sessions Judge, Salem, Salem District to ensure regular appearance of the accused for facing the Trial. If the accused deliberately remain absent, the Court may even explore the possibility of cancelling the bail and taking the accused to custody for ensuring the smooth conduct of Trial. This Court also directs the learned II Additional District and Sessions Judge, Salem, Salem District to take possible steps to execute the Non-Bailable Warrant pending against the accused and conclude the Trial as early as possible, preferably within a period of six months from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition is disposed of.

**28.03.2023**

mn

Index: Yes/No

Speaking Order: Yes/No



CrI.O.P.No.6837 of 2023

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To

1. The II Additional District and Sessions Judge, Salem, Salem District.
2. The Inspector of Police,  
Karipatty Police Station,  
Salem District.
3. The Public Prosecutor,  
High Court of Madras.



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Crl.O.P.No.6837 of 2023

**G.CHANDRASEKHARAN.J.,**

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Crl.O.P.No.6837 of 2023

28.03.2023