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CrI.O.P.No.2502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.2502 of 2024

Vasantha

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam District.

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to direct the learned District and Sessions Judge, Nagapattinam to speedy disposal of the trial in S.C.No.55 of 2015, without insisting for the material object Aruval MO-1 and also to conclude the case without the influence of the MO-1 Aruval on the pending trial in S.C.No.55 of 2015 on the file of the learned District and Sessions Judge, Nagapattinam.

For Petitioner : M/s.U.Kathiravan
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

O R D E R



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This petition has been filed seeking direction to the learned District and Sessions Judge, Nagapattinam for speedy disposal of the trial in S.C.No.55 of 2015, without insisting for the material object Aruval MO-1.

2.A status report has been filed by the respondent Police. The relevant portions are extracted hereunder:

"6.It is submitted that during the investigation the then Inspector of Police produced the Seized Material (i.e Ambassdor Car , TATA Sumo Car Aruval in 4 numbers, 2 knives and Iron rod) before Learned Judicial Magistrate, Thiruthuraipoondi and the same was assigned as CP.NO.104/2007, 115/2007 dated 2.3.2007.

7.It is submitted that after completion of elaborate and detailed investigation, based on the witnesses statement, material evidence, on 28.3.2007 the then Inspector of Police have altered the offences under section from U/s. 147, 148, 452, 324, 302 @ 3(1) PPDL Act 120 (b) r/w 149 of IPC, the then Inspector of Police have filed a charge sheet before the Learned Judicial Magistrate, Thiruthuraipoondi and the same was taken on file vide PRC



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No19/2007 dated 7.5.2007. Thereafter that this case was transferred to the Judicial Magistrate, Vendharanyam and re-numbered in PRC.No.3 of 2008 dated 28.03.2008. Then this case was committed before the Learned Principal Sessions and District Court, Nagapattinam vide S.C.NO 55/2015 dated 21.5.2015. The next date of hearing on 08.03.2024 for examining the LW.10, LW15-17.

8.It is submitted that till date the weapons involved in this offence were kept under custody of the Learned Judicial Magistrate, Thiruthuraipoondi."

3.The learned Additional Public Prosecutor submitted that there are totally 25 witnesses to be examined in this case and till date, 9 witnesses have been examined. The learned Additional Public Prosecutor submitted that L.W.2 in this case is the son of the defacto complainant and he is not co-operating during the trial and he is not appearing in Court. The learned Additional Public Prosecutor submitted that he is the eye witness in this case.

4.The learned counsel for the petitioner submitted that L.W.2



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will appear before the Court and will depose as a witness.

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5.On going through the status report filed by the respondent Police and on considering the submissions made by the learned counsel on either side, it is seen that the accused (A1) in this case, apart from this case is also involved in two other cases of attempt murder and both those cases pertain to an attempt made on the life of the husband of the defacto complainant.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the learned District and Sessions Judge, Nagapattinam to dispose of all the three cases i.e., S.C.No.55 of 2015, S.C.No.51 of 2015 and S.C.No.47 of 2015, within a period of four months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the accused persons try to protract the proceedings or gives threat to any of the witnesses, the Court below shall deal with the same in line with the judgment of the Hon'ble Supreme Court in ***State of Uttar Pradesh vs. Shambhu Nath Singh (JT 2001 (4) SC 3191)***.



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7.This criminal original petition is disposed of with the above directions.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The District and Sessions Judge,
Nagapattinam.
- 2.The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N.ANAND VENKATESH,J.
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