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CrI.O.P.No.5762 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.5762 of 2024

A.M.Mohan

.. Petitioner

Vs.

The State,
Represented by
The Inspector of Police,
D-2, Chengalpattu Taluk Circle Police Station,
Chengalpattu Town & Taluk,
Chengalpattu District.
(Previously Kancheepuram District)

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to issue a direction directing the Additional District-cum-Sessions Judge at Chengalpattu to complete the trial in S.C.No.206 of 2021 within a time frame that may be fixed by this Court considering that charge sheet was filed on 06.02.2016 itself and the order of this Court in CrI.O.P.No.21931 of 2017 dated 05.06.2020 directing the trial Court to complete the trial within a period of six months.

For Petitioner : Mr.S.Sathiaseelan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This criminal original petition has been filed seeking a direction to the Additional District-cum-Sessions Judge at Chengalpattu to complete the trial in S.C.No.206 of 2021 within a time frame fixed by this Court considering that charge sheet was filed on 06.02.2016 itself and the order of this Court in Crl.O.P.No.21931 of 2017 dated 05.06.2020 directing the trial Court to complete the trial within a period of six months.

2.The learned counsel for the petitioner submitted that already a direction was given by this Court in Crl.O.P.No.21931 of 2017 by order dated 05.06.2020 to complete the proceedings within a period of six months. However, the trial is yet to commence in this case. There are totally 16 accused persons in this case. Therefore, unless all the accused persons co-operate for completion of the trial, there is no use in issuing directions to complete the proceedings within a time frame.

3.The learned Additional Public Prosecutor submitted that the case is now at the stage of framing of charges.



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4. In view of the above, all the accused persons shall be present before the trial Court on 22.03.2024 and the Court below shall proceed to frame the charges. Thereafter, the Court below shall also get an undertaking from all the accused persons that they will appear regularly and co-operate for the completion of the trial. If such an undertaking is given, the trial Court shall conduct trial on day to day basis. If any accused person does not co-operate in the progress of the trial, it is left open to the Court below to proceed further in accordance with law.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.C.No.206 of 2021 on the file of the Additional District-cum-Sessions Judge at Chengalpattu, within a period of four (4) 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 petitioners adopt any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them to custody as per the judgment of the Hon'ble Supreme Court in ***STATE***



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***OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4)
SC 3191).***

13.03.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

NOTE: Issue order copy on 18.03.2024

To

- 1.The Additional District-cum-Sessions Judge,
Chengalpattu.
- 2.The State,
Represented by
The Inspector of Police,
D-2, Chengalpattu Taluk Circle Police Station,
Chengalpattu Town & Taluk,
Chengalpattu District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

N.ANAND VENKATESH, J.



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