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Crl.O.P.No.18894 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.18894 of 2024

S.Sundari

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Kancheepuram.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to direct the learned Judicial Magistrate -I, Kancheepuram to expedite the trial and dispose the case in C.C.No.89 of 2017.

For Petitioner : Mr.V.Chandrakanthan

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

The defacto complainant in C.C.No.89 of 2017 on the file of the Judicial Magistrate-I, Kancheepuram is before this Court to redress the grievance that the trial in the complaint given by her has not reached the logical end in spite of Judicial Magistrate taking cognizance of the offence 7 years ago.



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2. The petitioner states that after examination of 8 witnesses, the accused persons filed application under Section 311 Cr.P.C., to recall the witnesses and the same was dismissed by the Judicial Magistrate. However, on petition before the High Court under Section 482 Cr.P.C., by A3, the order of the Judicial Magistrate was set aside on condition to recall the witnesses PW.1 to PW8 should be cross examined on the same day of their appearance and the trial should be completed within three months. Though this order in Crl.O.P.No.22161 of 2021 passed on 27.06.2022, the accused has not cooperated with the completion of trial. One after another abstain themselves and come to the Court only after issuance of Non Bailable Warrant and get the warrant recalled.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that though the prosecution through the Investigating Officer has made all efforts to complete the trial within the time limit framed by this Court in its order dated 27.06.2022 in Crl.O.P.No.22161 of 2021, due to non cooperation of the accused persons, trial could not be proceeded further. The daily status of the case indicates that C.M.P.No.1660 of 2023 is pending for nearly one year and the progress of the trial is delayed in view of the pendency of the said



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Miscellaneous Petition.

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4. If the delay in proceeding with the trial due to the non cooperation of the accused persons, the learned Judicial Magistrate has to exercise the power to ensure their cooperation despite that they failed to cooperate, bail granted to them should be cancelled after notice. C.M.P.No.1660 of 2023 which is pending for more than one year has to be disposed of expeditiously and trial should commence without any further delay. It also appears from the record that inspite of getting a positive direction from this Court for cross examination of PW.1 to PW8, the accused have not so far cross examined these witnesses. If there is any failure on the part of the accused to cross examine these witnesses, the Judicial Magistrate need not give further adjournment for the said purpose and shall proceed further.

5. With this observation, this Criminal Original Petition is disposed of.

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Index : Yes/No

Neutral Citation : Yes/No

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Dr.G.JAYACHANDRAN,J.



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1.The Judicial Magistrate -I, Kancheepuram

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Kancheepuram.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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