



Crl.O.P.No.19038 of 2023

In the High Court of Judicature at Madras

Dated : 14.3.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.19038 of 2023
& Crl.M.P.Nos.12732 & 12735 of 2023

Arokiasamy

...Petitioner

Vs

1.State by
The Inspector of Police, E3
Teynampet Police Station,
Chennai.

2.A.Rajan

...Respondents

PETITION under Section 482 of the Criminal Procedure Code
praying to call for the records and quash the proceedings/charge sheet
in P.R.C.No.146 of 2005 pending on the file of the 18th Metropolitan
Magistrate, Saidapet, Chennai-15.

For Petitioner : Mr.D.Ashok Kumar
For R1 : Mr.A.Gopinath, GA (Crl.Side)

ORDER



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This is a petition filed by the petitioner seeking to quash the proceedings in P.R.C.No.146 of 2005 pending on the file of the 18th Metropolitan Magistrate, Saidapet, Chennai-15.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

3. When the matter came up for hearing on 24.8.2023, this Court passed the following order :

"Mr.A.Gopinath, learned Government Advocate (Crl. Side) takes notice on behalf of the 1st respondent.

2. The XVIII Metropolitan Magistrate, Saidapet is directed to send a report as to why the PRC has been kept pending from the year 2005 onwards. It is brought to the notice of this Court that A1 has already died and A3 is absconding and it is the petitioner (A2) who alone is appearing before the Court below. There has been absolutely no progress for nearly 18 years in this case. The report shall also state as to why the case was not to split up if A3 is absconding and he is not in a position to be secured.

3. Post this case on 14.09.2023."



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4. Once again, when the matter was listed for hearing on 14.9.2023, this Court passed the following order :

"The report sought for from the Trial Court has been received. It is seen that A3 is absconding for a very long time and he is not able to be secured and A1 is reported to have died, but, however, the name of A1 differs in the death certificate and the same is yet to be clarified. The petitioner is A2 and the grievance of the petitioner is that the case continues to be at P.R.C stage from the year 2005 onwards.

2. The learned Government Advocate (Crl. Side) shall take instructions. Post this case on 21.09.2023 under the same caption."

5. A report has been received from the 18th Metropolitan Magistrate, Saidapet, Chennai-15 wherein it is seen that the case was dragged on in view of the abscondence of A1 and A3 in this case.

6. The learned Government Advocate (Crl.Side) appearing for the first respondent submits that presently, only two accused persons will face the trial since A1 died, that in so far as A3 is concerned, he



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was secured by the police by executing a non bailable warrant and that he is presently in prison. He would further submit that the case is now posted for committal on 18.3.2024.

7. In view of the above submissions, the petitioner - A2 shall be present before the Court below on 18.3.2024 and on the same day, the case shall be committed to the Sessions Court concerned. Thereafter, the Sessions Court concerned shall dispose of the case within a period of three months. The trial shall be conducted on a day-to-day basis in view of the judgment of the Supreme Court in the case of **Vinod Kumar Vs. State of Punjab [reported in 2015 (1) MLJ (Crl.) 288 SC]**. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in the case of **State of Uttar Pradesh Vs. Shambhu Nath Singh [reported in JT 2001 (4) SC 3191]**.

8. The above criminal original petition is disposed of in the above terms. Consequently, the connected Crl.M.Ps. are closed.



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N.ANAND VENKATESH,J

RS

To

1.The 18th Metropolitan Magistrate,
Saidapet, Chennai-15.

2.The Inspector of Police, E3
Teynampet Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

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