



CrI.O.P.No.21372 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.21372 of 2024

Karthick

... Petitioner

Vs.

1. The State rep. by Inspector of Police

Central Crime Branch, Team-1

Veperiy, Chennai - 600 007

2. George Fernandaz

3. F.Vennila

(R2 and R3 impleaded as per order dated 17.12.2024

in CrI.M.P.No.15641/2024 in CrI.OP.No.21372/2024)

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to issue direction to the learned Special Court for CCB & CBCID Cases, Egmore, Chennai to decide the C.C.No.1251 of 2018 expeditiously and dispose of the same within time limit stipulated by this Court.



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For Petitioner : Mr.R.Subburaj
For 1st Respondent : Mr.S.Sugendran
Additional Public Prosecutor
For Respondents 2 and 3 : M.K.Boopaty Rajan

ORDER

This Criminal Original Petition has been filed by the petitioner to issue direction to the learned Special Court for CCB & CBCID Cases, Egmore, Chennai to decide the case in C.C.No.1251 of 2018 as expeditiously and dispose of the same within time the limit to be stipulated by this Court.

2. The learned counsel for the petitioner submitted that the petitioner is the defacto complainant in C.C.No.1251 of 2018. There are two accused in this case namely the respondents 2 and 3 herein and they both are husband and wife. The case is pending for the past six years. Even after examination of all the prosecution witnesses, in order to protract the trial, the accused are filing petitions after petitions. Earlier, the 2nd accused/third respondent had filed a petition seeking signature comparison with the document available with Karur



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Vysya Bank and also got a favourable order. Once again the petitioner filed a similar petition before the trial Court to compare the signature with the documents available with Indian Bank and Vijaya Bank. Though the same was dismissed by the trial Court, challenging the same, the petitioner preferred an application before this Court in CrI.O.P.No.15286 of 2024 and got favourable order on 01.07.2024. The intention of the accused is that, to drag and delay the proceedings. The contention of the petitioner is that, the admitted signature and disputed signature are very much available with the prosecution and instead of sending the documents to the Forensic Lab, the trial Court is keeping the trial pending. The trial Court is not following the procedure and therefore, the trial Court may be directed to dispose the C.C. in accordance with law as early as possible within a stipulated time.

3. Heard and perused the materials available on record.

4. It is seen from the records that the trial has already commenced and on 04.01.2020 itself P.W.1 was examined and on 22.07.2024 itself, the last



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witness was examined. At this stage, the second accused/third respondent has filed the petition to compare the signature and got favourable order from this Court.

5. However, the trial Court is directed to complete the proceedings with available documents. If at all the second accused/third respondent wants to compare any of the documents, the second accused/third respondent shall produce all the available documents to the trial Judge immediately and on receipt of the same, the trial judge is directed to compare the signature under Section 73 of the Indian Evidence Act. In case the trial Judge is unable to exercise his power under Section 73 of the Indian Evidence Act, the trial Judge may direct to send the documents under Section 45 of the Indian Evidence Act for getting expert opinion.

6. All the above said proceedings have to be completed within a period of two months and the trial has to be decided on merits within a period of three months from the date of receipt of a copy of this order. It is made clear that no



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extension of time would be entertained.

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7. Both the parties are directed to extend their fullest co-operation and the prosecution is directed to extend their co-operation for examination of all the witnesses if necessary.

8. Further, the second accused/third respondent is directed to co-operate for the disposal of the case. It is made clear that under the guise of fair opportunity, the second accused/third respondent should not protract the case. In case the second accused/third respondent is not co-operating, the learned trial Judge is directed to dispose of the case in accordance with law.

9. With the above directions, this Criminal Original Petition is disposed of.

21.12.2024

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
ksa-2



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To

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1. The Special Court for CCB & CBCID Cases,
Egmore, Chennai
2. The Inspector of Police
Central Crime Branch, Team-1
Vepery, Chennai - 600 007



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P.VELMURUGAN. J.

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