



Crl.O.P.No.21866 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.12.2023

PRONOUNCED ON : 04.01.2024

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.21866 of 2023

1. V.Elangovan

2. Vadivel

... Petitioners

Vs.

The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Krishnagiri District.

(Crime No.1/AC/2016)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, pleaded to direct the learned Chief Judicial Magistrate, Krishnagiri to dispose of the case in Spl.C.C.No.01 of 2021 as in time frame fixed by this Court.



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For Petitioners : Mr.P.Muthamizhselvakumar
For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Chief Judicial Magistrate, Krishnagiri to dispose of the case in Spl.C.C.No.01 of 2021.

2. The petitioners, being A3 and A5 in the Special Calender Case No.1 of 2021 are alleged to have involved in a case of misappropriation of Government money meant for providing milch animals to the Tribal people, by conspiring with other accused.

3. Learned counsel for the petitioners submitted that the petitioners, who are arrayed as A3 and A5, are private individuals acted only as brokers to purchase milch animals from open market and they have been unnecessarily



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roped into this case. He further submitted that the petitioners herein are charged for the offences punishable under Sections 177, 201, 419, 465, 468, 471 r/w 109 and 120B of IPC and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 r/w 109 and 120B of IPC. He also submitted that the occurrence is stated to have happened during the year 2014, the First Information Report was filed during the year 2016, charge sheet has been filed on 12.03.2021 and the case has been taken up for trial in Spl.C.C.No.01 of 2021 on the file of the learned Chief Judicial Magistrate, Krishnagiri. He further submitted that there are 112 witnesses in this case and there is no progress till date though the case has been taken up on file in the year 2021 itself. He also submitted that the right to speedy trial is a constitutional guarantee and since the criminal proceedings is pending from the year 2016, the present petition has been filed seeking a suitable direction to the trial Court to dispose of the case within a specified period.

4. Learned Government Advocate (Crl.Side) submitted that the petitioners herein (A3 & A5) have colluded with other accused, who are officials, and committed dishonest misappropriation of Rs.9,18,750/- including a sum of Rs.3,60,000/- towards the cost of 12 milch animals which were not supplied to



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beneficiaries and other deliberate false claims in respect of purchasing 150 milch cows. He also submitted that the accused have also caused loss to Government exchequer to the tune of Rs.8,100/- with respect to payment of insurance fee towards 12 milch animals.

5. He further submitted that accused 1 and 2 have filed the discharge petitions before the trial Court and the same came to be dismissed, against which, they have filed the revision cases before this Court and the same are also pending. He also submitted that there are 112 witnesses in this case and therefore, some reasonable time has to be given to the prosecution to examine the witnesses.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. The petitioners, who are said to have involved in a case of misappropriation of Government money during the course of implementation of a scheme for providing cattle to the Tribal people free of cost, seeks indulgence of



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this Court for a direction for early disposal of the case alleging that there is a delay.

8. Of course, right to speedy trial is guaranteed to the petitioners. However, it is seen that there are 112 witnesses in this case. Therefore, considering the balance of convenience, this Court is of the view that a reasonable time has to be afforded to the trial Court to complete the trial. Further, it is relevant to note that this Court, by an order dated 04.01.2024 (today), had dismissed the criminal revision cases filed by accused 1 and 2 challenging the order passed by the trial Court dismissing the discharge petitions filed by them. Thereby, the trial Court is directed to complete the trial as expeditiously as possible, preferably, within a period of twelve (12) months from the date of framing of charges.

9. With the above directions, this Criminal Original Petition stands allowed.

04.01.2024

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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A.D.JAGADISH CHANDIRA, J.

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To

1. The Chief Judicial Magistrate,
Krishnagiri.
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Krishnagiri District.
3. The Public Prosecutor,
High Court of Madras.

***Pre-Delivery order in
Crl.O.P.No.21866 of 2023***

***Delivered on
04.01.2024***