



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2909 of 2024
and Crl.MP.Nos.2202 & 2204 of 2024

1.Kesava Narayanan

2.Prema

3.Ravi

...Petitioners/Accused No.10, 11 & 9

.Vs.

1.The State represented
by the Inspector of Police
CBCID, Puducherry.
(Crime No.514 of 2011)

.. Respondent/Complainant

2.Ramya

..Respondent/De facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in PRC No.99 of 2019, on the file of the Judicial Magistrate No.II, Puducherry and to quash the same in respect of the petitioners.

For Petitioner : Mr.P.Kannan Kumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1

ORDER

WEB COPY

This petition was filed by A10, A11 and A9 seeking to quash the proceedings in PRC No.99 of 2019, pending on the file of Judicial Magistrate No.II, Puducherry.

2. When the matter came up for hearing on 22.2.2024, this Court passed the following order:

The learned Judicial Magistrate No.II, Puducherry, is directed to submit a report before this Court as to why the case continues to remain in the PRC stage from the year 2019 onwards. 2. On receipt of the report, further orders will be passed in this petition.

3. Registry is directed to follow up with the learned Judicial Magistrate and get the report. Post this case on 14.03.2024 under the same caption.

4. For the hearing on 28.02.2024, it is left open to the petitioners to file an application under Section 317 of Cr.P.C. before the Court below and seek for dispensing with their appearance.

3. Pursuant to the above order, a report has been received from the Judicial Magistrate No.II, Puducherry. The relevant portions are extracted hereunder:

I further submit that with respect to the subject mentioned above, the First Information Report was registered against the Accused in Crime No. 514/2011 on 25.11.2011 at Grand Bazaar Police Station Puducherry for the offence under section 376, 366, 342, 354, 506 (ii) and Section 3 (2) (a) (b), 6 (1) (b), 5(1) (a) of Immoral Traffic Prevention Act, 1956 read with 34 IPC. The total number of accused in this case is A1 to A14. As per order of the Inspector General of Police, Puducherry vide order No 2561/CR/2011



WEB COPY



dated 3.12.2011, this case was taken up for further investigation at CBCID Police Station.

This case was further investigated by CBCID Police Station and charge sheet was filed on 11.11.2019 and the case was taken on filed under section 376, 366, 342, 354, 506 (ii) and Section 3 (2) (a) (b), 6 (1) (b), 5(1) (a) of Immoral Traffic Prevention Act, 1956 read with 34 IPC on 20.12.2019. This case was numbered as PRC 99/2019. Summons were issued to the Accused A1 to A14 and the Accused A 1, A3, A6, A8, A9, A10, A11, A12, A13, A14 appeared on Summons before this court on various hearing dates.

I further submit that the summons which were issued to Accused A2, A4, A5, A7 have not been served to the accused. The CBCID police states that the reason being the accused A2 resides in Chittoor, Andhra Pradesh, the Accused A7 resides in Paradeep, Jagathinpur Odhisa and the Accused A4, A5 have relocated to different places and their whereabouts are not known. This court is taking effective steps by instructing the concerned Station House Officer, CBCID Police Station periodically for serving summons to the accused A2, A4, A5, A7.

I further submit that this court is trying to furnish copies and split-up the case in respect of the Accused A1, A3, A6, A8, A9, A10, A11, A12, A13, A14 and commit the case to the court of sessions. In respect of the other absconding accused A2, A4, A5, A7 the police is directed to serve the summons as early as possible.

4. It is clear from the above that A2, A4, A5 and A7 are not able to be secured by police since they belonged to an outside State. Therefore, the case can be split up insofar as A2, A4, A5 and A7 and the present case can be committed to the



WEB COPY

5.The learned counsel for the petitioners submitted that the 1st and 2nd petitioners who are the owners of the lodge were not even aware regarding the incident that had taken place and they have been roped in only because they are the owners of the premises. Insofar as the 3rd petitioner is concerned, he is the manager of the lodge.

6.The above ground raised by the learned counsel for the petitioners is factual in nature and this Court is not inclined to go into the same considering the seriousness of offence involved in this case.

7.In view of the above discussion, this petition is disposed of and there shall be a direction to the learned Judicial Magistrate No.II, Puducherry to split up the case and commit the case to the Sessions Court insofar as A1, A3, A6, A8, A9, A10, A11, A12, A13 and A14, in PRC No.99 of 2019, within a period of four weeks from the date of receipt of copy of the order. The Sessions Court before which the case is committed shall complete the proceedings within a period of six months thereafter. Considering the age of the 1st and 2nd petitioners, their presence is dispensed with and they shall be represented through counsel and they will be present before the Court below at the time of framing charges, at the time of questioning under Section 313 Cr.PC, at the time of final judgment and as and when required before the Court below. The trial shall be conducted on a day to day basis in accordance with the guidelines given by

the Hon'ble Apex Court in ***Vinod Kumar Vs State of Punjab*** reported in **[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 OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)**. Consequently, connected miscellaneous petitions are closed.

14.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order
kp

To

- 1.The Inspector of Police
CBCID, Puducherry.
- 2.Judicial Magistrate No.II,
Puducherry.
- 3.The Public Prosecutor
High Court of Madras.

N.ANAND VENKATESH.,J

kp



WEB COPY



CRL.O.P No.2909 of 2024

14.03.2024