



**Crl.O.P.(MD) No.3881 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 12.03.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

**CRL.O.P (MD) No.3881 of 2024**

**J.Mohamed Yasir Moulavi**

**...Petitioner**

**VS**

**The Deputy Superintendent of Police,  
Q Branch CID,  
Ramanathapuram District.  
Crime No.2 of 2021**

**...Respondent**

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the learned trial Court for the speedy disposal of the criminal case in S.C.No.190 of 2023 pending on the file of learned Principal District Judge, Ramanthapuram within the time limit that may be stipulated by this Court.

**For Petitioner : Mr.A.Rajamohamed**

**For Respondent : Mr.B.Thanga Aravindh  
Government Advocate (Crl.side)**



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## **ORDER**

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The learned Counsel for the Petitioner submits that the Petitioner is arraigned as first accused. A1 and A2 are the Srilankan citizens. A3 and A4 are the Indian citizens. As per the prosecution case, A1 and A2 were provided shelter by A3 and A4 and they assisted in getting Indian documents, like Aadhar Card, Ration Card as though they are Indian Citizens. Therefore, the case was registered against the accused in Crime No.2 of 2021 for the offence under Sections 465, 468, 471, 420 IPC @ 465, 468, 471, 420 r/w 109 IPC and 39 of the UAP Act, 1967 altered into 140, 124(A), 465, 468, 471, 420, 108-a r/w 120B IPC and Section 39 of the UAP Act 1967 and 120(b) of Passport Act, 1967.

2.The learned Government Advocate (Crl.side), on instruction of the Respondent, submits that the accused 1 to 4 had colluded. They are assisted the accused in foreign countries by obtaining sim cards for ISIS. He would further submit that the 5<sup>th</sup> accused is still absconding. He was not at all arrested. The information gathered by the Investigating Agency claims that the fifth accused is now residing in Karachi. Further, he would submit that based on the sim card provided by the accused herein, the terrorists from



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outside the country are attacking the Indian Army's website through malware attack.

3.Considering the right of the accused for speedy trial and all the accused are available except A5, the Respondent police is directed to produce all the witnesses promptly before the learned Principal District and Sessions Judge concerned. The learned Principal District and Sessions Judge Judge as Special Judge for trial of cases under the Unlawful Activities (Prevention) Act, 1967, shall conduct the trial on priority basis. The learned Judge shall hear the arguments of the prosecution and the accused and shall proceed with framing of charges, commencing the trial and fix the date for examination of witnesses, so that all the witnesses to be examined on a day-to-day basis fixing the time for examination of the witnesses on a particular day. When the recording of evidence commences, all the list witnesses had to be examined continuously from day one till the last witness is examined by the Court. Also, the learned Principal District and Sessions Judge, shall not adjourn the cross-examination. When the witnesses are available, they should be cross-examined then and there. The learned Judge shall prevail upon the learned Counsel appearing for the



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accused to cross-examine the witness then and there as per the ruling of the Hon'ble Supreme Court in the case of ***Vinod Kumar Vs. State of Punjab*** reported in ***CDJ 2015 SC 115***.

4. Under those circumstances, the cross-examination shall not be deferred. They are strictly directed to follow the guidelines of the Hon'ble Supreme Court in ***Vinod Kumar Vs. State of Punjab*** reported in ***CDJ 2015 SC 115***. If this procedure is followed, the trial can be concluded within one or two months. The Investigation Officer in this case is directed to produce all the witnesses promptly as per the time table fixed by the learned Principal District and Sessions Judge. The case against A5 can be split up and kept pending.

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

Internet: Yes./No  
Index: Yes/No  
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12.03.2024



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To

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- 1.The Deputy Superintendent of Police,  
Q Branch CID,  
Ramanathapuram District.
  
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**SATHI KUMAR SUKUMARA KURUP, J.**

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