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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR**CRL OP No. 10422 of 2026**

M.A.Krishnan

Petitioner(s)

Vs

1. State Represented by Inspector of Police
District Crime Branch, Chengelpet.

2.M.Selvakumar

3.G.Prabhakaran

4.M.Dhanalakshmi

5.M.Paneer

6.J.Raji

7.M.Boopalan

Respondent(s)

PRAYER Petition filed under Section 528 of BNSS, praying to direct the learned Judicial Magistrate-II, Chengalpet to expedite the speedy disposal of the trial in C.C.No. 35/2024 in registered in FIR No. 30/2022 by the respondent police, which is pending on the file of Learned Judicial Magistrate -II, Chengalpet.

For Petitioner(s): Mr.R.Dinesh

For Respondent(s): Mr.R. Rajasekaran
Counsel for Government of
Tamil Nadu (Criminal Side)



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ORDER

The petitioner/defacto complainant in C.C. No. 35 of 2024 has filed this petition seeking a direction to the Trial Court to proceed with the trial and conclude the same without further delay.

2.The learned counsel for the petitioner submitted that, in the present case, the complaint was lodged in the year 2022 and, two years thereafter, the charge sheet was filed showing six accused persons, wherein A5 and A6 were shown as absconding accused. It is further submitted that A5 and A6, namely Raju and Boopalam, had in fact passed away as early as 2020. With regard to the remaining four witnesses, it is submitted that though they are appearing before the Trial Court, they are shown as being examined in the alternative list, and for that reason copies could not be furnished to them, and consequently the trial is kept pending.

3.The learned counsel for the petitioner further submitted that, as per Rule 290 of the Rules of Practice, it is clear that it is not necessary for the Court to insist upon the presence of all the accused for the purpose of furnishing copies. Despite the same, the Trial Court is adjourning the case for the appearance of all



four accused, though they are not appearing. It is further submitted that the accused are being permitted to file petitions and remain absent alternatively, and the Court is not insisting upon their continuous presence. Hence, there has been delay in the proceedings.

4.The learned counsel for the Government of Tamil Nadu submitted that the respondent police have already instructed the learned Additional Public Prosecutor attached to the Court to object to the filing of Section 317 Cr.P.C. petitions being filed liberally, and also to insist that the accused appear regularly and that copies are served on them. It is further submitted that there are only twelve witnesses, and all of them can be examined within a short period. It is contended that the delay is on the side of the prosecution.

5.Considering the submissions, there are only twelve witnesses and four accused are being represented alternatively, the Trial Court shall ensure that all the accused are present, that copies are served on them, and shall proceed with the trial without granting long adjournments and complete the trial without further delay.



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6. Accordingly, this Criminal Original Petition is disposed of.

09-06-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

- 1.The Judicial Magistrate-II,
Chengalpet.
- 2.The Inspector of Police,
District Crime Branch, Chengelpet.



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M.NIRMAL KUMAR J.

SSR

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