

2010 (3) MWN (Cr.) 199

IN THE HIGH COURT OF MADRAS

T. Sudanthiram, J.

CrI.R.C. No.1701 of 2005

22.9.2010

Sivakami

.....*Petitioner*

Vs.

State, rep. by Inspector of Police, Pellipalayam. [Crime No.1019 of 2004]

.....*Respondent*

Cr.P.C., Ss.397 & 401

Sessions trial not to be adjourned merely because some Petition is pending before High Court — Directions issued.

SPEEDY TRIAL — Sessions trial — Not to be adjourned merely because some Petition is pending before High Court — Unless proceedings specifically stayed by order of High Court, Sessions trial not to be adjourned — Direction strictly to be followed by all Sessions Judges — Copy of order directed to be sent to all Sessions Courts in State of Tamil Nadu. (Para 5)

R. Sankarasubbu, Advocate for Petitioner.

S. Senthil Murugan, Government Advocate (CrI. Side) for Respondent.

Finding — Revision dismissed as withdrawn — Directions issued.

Prayer: Revision against the order dated 25.11.2005 made in CrI.M.P. No.152 of 2005 in S.C. No.137 of 2005 on the file of Additional Sessions Judge, Fast Track Court, Namakkal.

JUDGMENT

1. The Revision Petitioner herein is the Second Accused in S.C. No.137 of 2005 on the file of Additional Sessions Judge, Fast Track Court, Namakkal and she filed an Application before the Trial Court under Section 227, Cr.P.C. seeking discharge. The said Application was dismissed by the learned Judge. Challenging the said order, the Revision Petitioner had preferred this Revision before this Court.

2. Mr. Sankarasubbu, learned Counsel for the Petitioner submitted that the Petitioner is not pressing this Revision Petition and seeks permission of this Court to withdraw this Revision Petition. He has also made an endorsement to that effect in the bundle.

3. The occurrence in this case relates to the year 2004 and the sessions case relates to the year 2005. This Revision Petition was presented by the Petitioner before this Court and it came up in the list on 3.1.2006. It Appears from the Court docket order sheet that the Revision has not been admitted so far and on 18.1.2006, the learned Government Advocate took notice for the Respondent and thereafter, the Revision stood adjourned. It Appears, though the Revision Petition was not admitted and no order of stay of Sessions Court proceedings has been passed, the Trial Court has not proceeded with the trial. The learned Government Advocate also submitted that the case was adjourned periodically for the only reason that the Revision Petition is pending before this Court. He would further

submit that about seven months back, the Fourth Accused absented himself and a non-bailable warrant has been issued and about three months back, Accused 1, 10, 11 and 16 also absented from appearing before the Court and non-bailable warrants have been issued and the warrants are still pending against those Accused.

4. This Court feels that the trial had been pending simply before the Trial Court for years together. Neither the Investigating Officer nor the prosecutor took steps either to bring this Revision for disposal or pleaded before the Trial Court to proceed with the trial. In fact, a Special Public Prosecutor has been appointed to appear in this case before the Trial Court. It Appears, the idea of the Fast Track Court itself has been defeated.

5. This Court now makes it clear that all the Sessions Courts should proceed with the Sessions trial and it should not be adjourned merely for the reason that some Petition is pending before the High Court, unless the proceedings are specifically stayed by the order of the High Court. All the Sessions Judges are directed hereafter to follow this strictly.

6. This Revision case is dismissed as withdrawn. The Investigating Officer is directed to execute the non-bailable warrants issued against the Accused without any further delay and if the Accused are secured, the learned Sessions Judge is directed to proceed with the trial on day-to-day basis expeditiously.

2010 (3) MWN (Cr.) 200

IN THE HIGH COURT OF MADRAS

T. Sudanthiram, J.

Crl.R.C. No.441 of 2010 and M.P. No.1 of 2010

22.7.2010

1. Sigamani 2. Govindarajulu

.....*Petitioners*

Vs.

State, represented by Deputy Superintendent of Police, CBCID, CC Wing, Coimbatore
(Rasipuram PS Cr. No.551/2005)

.....*Respondent*

Cr.P.C., S.227

Discharge — No materials to implicate Petitioners in offence committed by A-1 and A-2
— Order framing charges without any material — Petitioners discharged.

INDIAN PENAL CODE, 1860 (45 of 1860), Sections 489-B r/w 109 & 489-C — CRIMINAL PROCEDURE CODE, 1973 (2 of 1974), Section 227 — Replacing counterfeit Currency Notes in place of genuine Currency Notes in Bank — A-1, a messenger in Bank, replaced Counterfeit Notes supplied by A-2 — A-3 & A-4, Deputy Manager (Cash) and Accountant respectively were custodians and key holder of currency chest during relevant period — Discharge Petition filed under Section 227, Cr.P.C. by A-3 & A-4, contending that there is no iota of evidence to show that they assisted A-1 in commission of offence — Dismissal of — Revision against — Confession