



**CrI.O.P.(MD) No.23412 of 2023**

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

WEB COPY

DATED: 02.01.2024

CORAM

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

CRL.O.P (MD) No.23412 of 2023

and

CrI.M.P.(MD) No.18241 of 2023

1.Selvam @ Selvakumar

2.Kamarasu

3.Rakku

...Petitioners

VS

The Inspector of Police,  
All Women Police Station,  
Sivagangai District,  
Crime No.18 of 2015

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records pertaining to the impugned order passed in Cr.M.P.No.1224 of 2023 in SC.No.209 of 2016 before the learned Sessions Judge, Fast Track Mahila Court, Sivagangai dated 11.10.2023 and set aside the same.

For Petitioners : Mr.R.Karunanithi

For Respondent : Mr.M.Veeranthiran

Government Advocate

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## ORDER

This Criminal Original Petition is filed to set aside the order passed in Cr.M.P.No.1224 of 2023 in SC.No.209 of 2016 on the file of the learned Sessions Judge, Fast Track Mahila Court, Sivagangai, dated 11.10.2023.

2.Directions were issued by the Hon'ble Supreme Court to the trial Judges throughout India with a direction to the respective High Courts to issue the copy of the judgments to the learned trial Judges across the country through the respective State High Courts. As per the judgment of the Hon'ble Supreme Court in *Vinod Kumar Vs. State of Punjab* reported in **CDJ 2015 SC 115**, when witnesses are available before the Court to depose the evidence, the case shall not be adjourned and also, when the witnesses depose as prosecution witness, they shall be cross-examined then and there.

3.This guideline was issued some time in 2014-2016, but it is not at all followed by the trial Courts. From the petitions filed under 482 Cr.P.C., it can be observed that the trial Judges are not using the said rulings for



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rendering justice. To earn a good name from the members of the Bar, they are adjourning the cases at the request of the learned counsel appearing for the accused.

4.Also, the learned counsel, who appeared for the accused, as a member of the Bar, has a duty towards the Court in rendering justice in assisting the Court as a Court Officer. They ignore their responsibility and professional ethics and etiquette and they are ready to help the accused to wriggle out of the case by seeking adjournments to recall the witnesses, which amounts to harass the victims of the crime, who are invariably the witnesses before the trial Courts.

5.The said conduct of the members of the Bar and the accused as though the criminal justice system favours the accused cannot at all be accepted by any Court of law. The prayer of the Petitioners is found unacceptable in the light of the guidelines and the Rules laid down by the Hon'ble Supreme Court. The Hon'ble Supreme Court had deprecated the practise to recall the witnesses, who are invariably the victims of the crime after several years and keeping the case as part heard. The order passed by

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the learned trial Judge had to be upheld in the light of the Rulings of the Hon'ble Supreme Court.

Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed.

Internet: Yes./No  
Index: Yes/No  
mm

02.01.2024

To

1. The Inspector of Police,  
All Women Police Station,  
Sivagangai 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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