

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2015

CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.17270 of 2015

and

M.P.No.1 of 2015

1.Rajesh
2.Mohan
3.Naresh

... Petitioners

Vs.

1.The State represented by
Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.

2.Mansoor Ali
3.Giri Babu
4.Adhil
5.Pappanna
6.Siddharaj @ Raja
7.Senthil

... Respondents

Prayer:- Criminal Original Petition filed under Section 407 Cr.P.C., to transfer the case in S.C.No.68 of 2010 on the file of Additional District and Sessions Judge, Hosur to Principal Sessions Judge at Krishnagiri to secure the ends of justice.

For Petitioners : Mr.R.Sankarasubbu

For Respondents : Mr.C.Emalias

No.1 Additional Public Prosecutor

ORDER

This petition has been filed to transfer the case in S.C.No.68 of 2010 from the file of Additional District and Sessions Judge, Hosur to Principal Sessions Judge at Krishnagiri.

2. It is seen that a case in Crime No.320 of 2006 was registered against 13 persons for offences under Sections 147, 148, 302 IPC r/w 109, 120(B) IPC. After completing the investigation, the respondent police filed a final report before the learned Judicial Magistrate No.II, Hosur.

3. During the pendency of committal proceedings, it appears that Kora Gobi @ Gobi (A7) was absconding and therefore, the case against him was split up in P.R.C.No.2 of 2010 and the other accused were committed to the Court of Sessions. Now, the case is numbered as S.C.No.68 of 2010 and is on the file of the Additional District and Sessions Judge, Hosur. While so, it appears that Kora Gobi @ Gobi has been arrested by the police and he is now enlarged on bail in Crime No.320 of 2006.

4. Under such circumstances, it is imperative that Kora Gobi @ Gobi is produced before the learned Judicial Magistrate No.II, Hosur and after furnishing him with the copies of under Section 209 Cr.P.C., his cases are also to be committed to the Court of Sessions and numbered along with other connected cases including S.C. No.68 of 2010.

5. This Court directs the respondent police to take steps to ensure the Kora Gobi @ Gobi appears before the learned Judicial Magistrate No.II, Hosur and on such appearance, the learned Judicial Magistrate No.II, Hosur, is directed to proceed with the committal proceedings expeditiously and to complete the same within a period of two weeks from the date of appearance of Kora Gobi @ Gobi before him. Until such time, the trial in S.C.No.68 of 2010 shall be kept in abeyance. After the Kora Gobi @ Gobi is committed to the Court of Additional Sessions Judge, Hosur, he shall be tried along with the co-accused in the case.

6. If Kora Gobi @ Gobi does not appear before the learned Judicial Magistrate No.II, Hosur and submit himself for committal proceedings and if he does not cooperate for trial, then it is open to the learned Judicial Magistrate No.II, to issue Non Bailable Warrant against him. Under such circumstances, the trial in SC No.68 of 2010 can proceed further without Kora Gobi @ Gobi.

With the above directions, this criminal original petition is closed. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar

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Sub Assistant Registrar

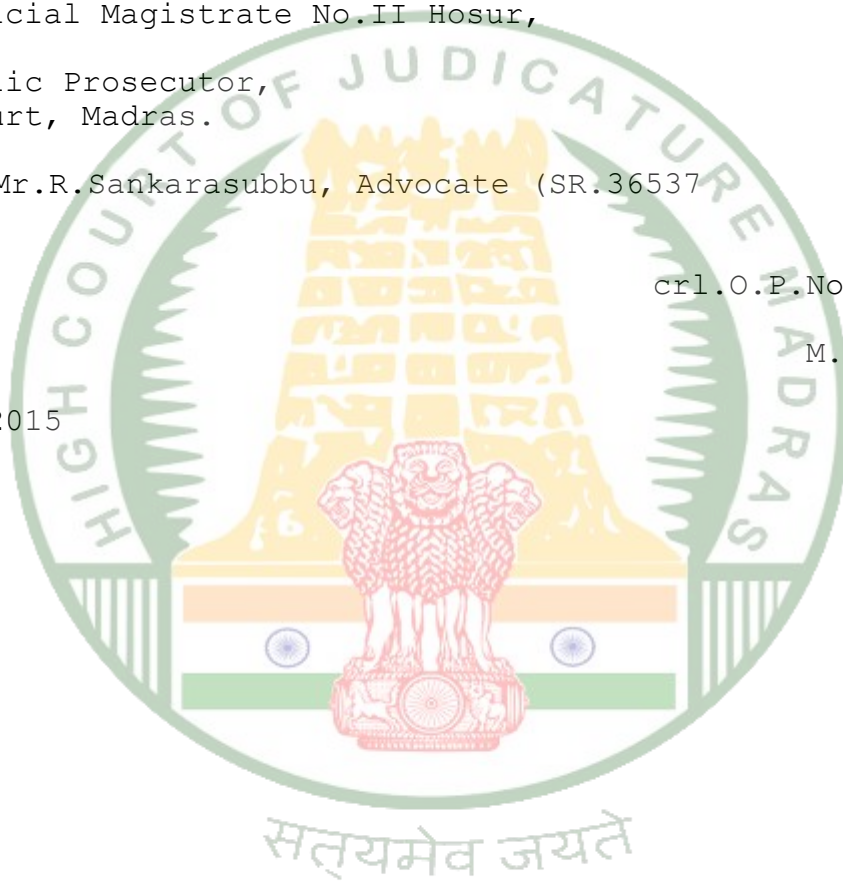
To

1. Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
2. The Additional District and Sessions Judge,
Hosur.
3. The Principal Sessions Judge,
Krishnagiri.
4. The judicial Magistrate No.II Hosur,
5. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Sankarasubbu, Advocate (SR.36537

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TM(co)
cp 04.08.2015



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