

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No. 13208 of 2015

R.Sunder

...Petitioner/Accused

Vs

State of Tamil Nadu,  
Rep by its  
Inspector of Police(Crime),  
Manaly Police Station,  
Manaly, Chennai - 600 068  
(Crime No.386/1996)

...Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C, praying to split the case in S.C.No.636 of 2005, on the file of this Hon'ble Court.

For Petitioner :Mr.A.Thirumaran

For Respondent :Mr.C.Emalias

Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed praying for a direction to split the case in S.C.No.636 of 2005, on the file of this Hon'ble Court.

2.Heard Mr.A.Thirumaran, the learned counsel for the petitioner and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the respondent Police.

3.On 03.06.2015, this Court passed the following order:

It is seen that this Court by its order dated 22.07.2014 in Crl OP No.32138 of 2013 had directed the Trial Court to complete the trial in SC No.636 of 2005 before the end of December 2014.

Despite the order of this Court, the trial has not been completed. Hence, the Registry is directed to call for a report from the IV Additional District and Sessions Court, Tiruvallore at Ponneri as to the reasons for the delay in disposal of SC.No.636 of 2005.

The learned Additional Public Prosecutor is directed to get instructions.

Post for orders on 17.06.2015.

4.The learned IV Additional District and Sessions Judge, Tiruvallore at Ponneri has sent a communication dated 16.06.2015 to this Court stating that steps are being taken to secure the persons of absconding accused.

5.The learned Judge in the penultimate paragraph has stated as follows:

I further submit when the case came up for hearing on 15.06.2015 as this Court did not receive any reply from the police about the steps taken by them to secure the absconding accused, hence this court has submitted a letter to the Hon'ble Principal District Judge, Thiruvallur requesting to split up the case against the absconding accused from the main case.

6.This Court is indeed surprised to note as to why the Trial Court should address the learned Principal District Judge, Tiruvallur for a request to split up the case against absconding accused. The power to split up the case vests with the Trial Court and therefore, the learned Judge need not have to wait for any instructions from the learned Principal District Judge, Tiruvallore, in this regard.

7.Under such circumstances, the learned IV Additional District and Sessions Judge, Tiruvallore at Ponneri is directed to conduct the trial expeditiously and complete the same within a period of two months from the date of receipt of a copy of this order. The petitioner/accused are directed to co-operate with the Court, during the course of trial.

5.This Criminal Original Petition is disposed of with the above direction.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

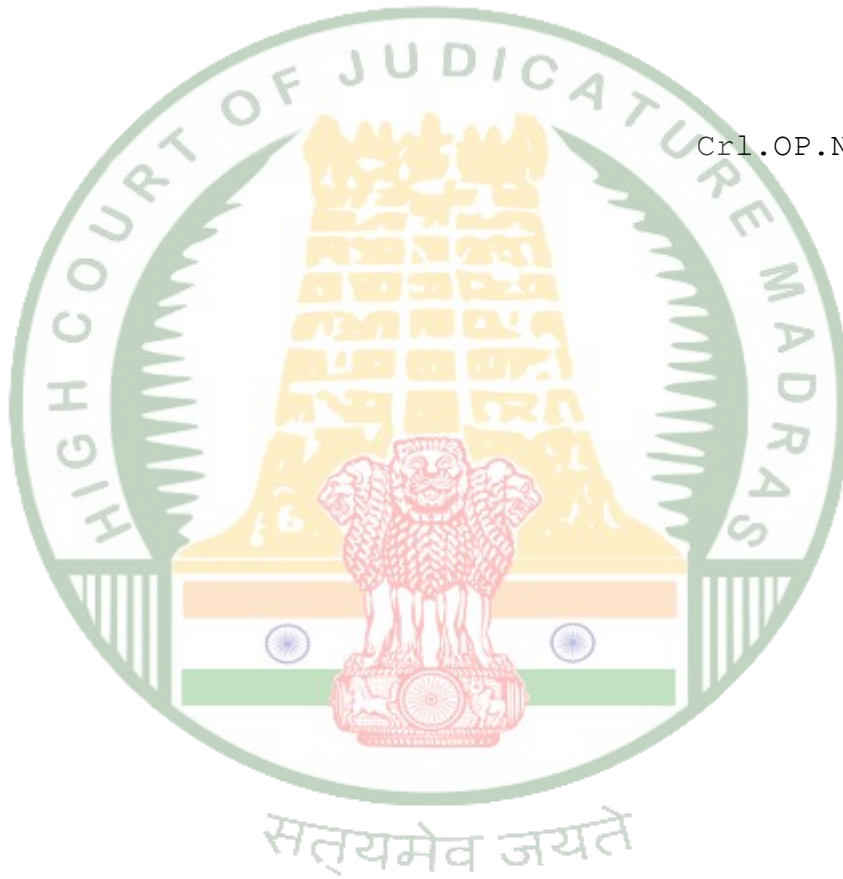
To

1. The IV Additional District and Sessions Judge,  
Thiruvellore at Ponneri.

2. -do- thro' The Principal District and Sessions lJudge,  
Thiruvellore.
  3. The Inspector of Police, (Crime)  
Manaly Police Station,  
Manaly, Chennai - 600 068
  4. The Public Prosecutor,  
High Court, Madras.
- + 1 cc to Mr.A.Thirumaran, Advocate SR 31087

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prk26/6

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