

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.22960 of 2015

Ruba.

... Petitioner

Vs

The State,
Rep by the Inspector of Police,
Kothanallur, Tiruvarur District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate - II, Mannargudi, Tiruvarur District to conclude the trial in a stipulated time to be fixed by this Court in the case pending trial in C.C.No. 103 of 2009 on the file of the Learned Judicial Magistrate, Mannargudi, Tiruvarur District.

For Petitioner : Mr.J.Milton Arul Rajendran,
For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking for a direction to the learned Judicial Magistrate - II, Mannargudi, Tiruvarur District to conclude the trial in C.C.No. 103 of 2009 expeditiously.

2. When the matter is taken up for consideration, the learned counsel appearing for the petitioner submitted that though the matter has been taken on file in the year 2009 in C.C.No.103 of 2009, there is no considerable progress thereof and till date the trial has not commenced yet. Hence, the learned counsel sought for a direction to the learned Judicial Magistrate - II to expedite the trial and conclude the same.

3. The learned Additional Public Prosecutor submitted that a non-bailable warrant has been pending as against accused No. 1 since 2009 since he was absconding. He further submitted that accused No. 3 died during the pendency of the case. Since, the non-bailable warrant is pending for execution as against accused No. 1, the learned Judicial Magistrate - II is not in a position to proceed with the trial.

4. In view of the said submissions made by the learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor, this Court directs the learned Judicial Magistrate - II, to split up the case with regard to accused No. 1 and prosecute the trial against all the other accused persons, complete the same and dispose of the case in accordance with law, as early as possible preferably within a period of six months from the date of receipt of a copy of this order.

5. This criminal original petition is disposed of accordingly.

rms/suk

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.II,
Mannargudi, Thiruvarur District.
2. do thro the Chief Judicial Magistrate,
Thiruvarur.
3. The Inspector of Police,
Kothanallur, Tiruvarur District.
4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s. J.Milton Arul Rejendran, Advocate SR 63828

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