

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.22989 of 2015

S.Sundaramurthy

... Petitioner

Vs

State rep. By
Inspector of Police
CCIW CID, Vellore
Cr.No.6/2007

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Judicial Magistrate II, Vellore to split up the charge sheet dated 28.11.2008 in C.C.No.30 of 2010 insofar as the petitioner/accused No.4 concerned and to proceed further with the trial.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor.

ORDER

The present criminal original petition has been filed seeking a direction to the learned Judicial Magistrate II, Vellore to split up the charge sheet in C.C.No.30 of 2010 insofar as the petitioner/accused No.4 is concerned and to proceed further with the trial.

2. The main grievance of the petitioner is that though the charge sheet was filed in the year 2010, since one accused or the other are filing petitions for discharge, till date the trial has not been commenced. It is further stated in the petition that presently the first accused has filed the petition in C.M.P.No.1519 of 2015 for discharge and the same is pending before the trial Court. Hence, the petitioner has come forward to file the present petition seeking a direction to the learned Magistrate to split up the charge sheet.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor representing the respondent.

4. The learned Additional Public Prosecutor submitted that since all the accused are available, it may not be feasible to direct the trial Court to split the charge sheet in respect of the petitioner alone. Hence, a direction may be issued to expedite the trial.

5. In my considered opinion, since all the accused are available, this Court cannot entertain this petition to split the charge sheet in respect of the petitioner is concerned. However, this Court deems it appropriate to direct the Court below to commence the trial and complete the same within a specified time.

6. Accordingly, the trial Court is directed to dispose of the C.M.P.No.1519 of 2015 and thereafter, proceed with the trial and complete the same as early as possible, preferably within a period of six months from the date of receipt of a copy of this order.

7. The Criminal Original Petition is disposed of accordingly.

gpa

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police
CCIW CID, Vellore
2. The Public Prosecutor
High Court, Madras.
3. The Judicial Magistrate,
Vellore.
4. Do thro the Chief Judicial Magistrate,
Vellore.

+ 1 cc to Mr.T.Sundaravadanan, Advocate SR 63388

vs(co)
prk9/12

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