

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.KALAIYARASAN

Crl.O.P.No.22867 of 2016

P.Jeyaraj

... Petitioner
Vs.

State by
The Inspector of Police,
Central Crime Branch,
XXII Team,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the trial court to complete the trial expeditiously by splitting the case against the 8th accused in C.C.No.2765 of 2012 pending on the file of Chief Metropolitan Magistrate, Egmore, Chennai-600 008.

For Petitioner : Mr.S.Palani Rajan

For Respondent : Mr.C.Emalias, APP

O R D E R

This Criminal Original Petition has been filed under Section 482 of Code of Criminal Procedure, 1973 praying to direct the trial court to complete the trial expeditiously by splitting the case against the 8th accused in C.C.No.2765 of 2012 pending on the file of the Chief Metropolitan Magistrate, Egmore, Chennai-8.

2. Heard both sides.

3. It is averred in the petition that one of the accused i.e., A-8 has not appeared in the case and therefore, case is being simply adjourned without any progress by the trial Court. All other accused have been dragged to Court unnecessarily for years together. Therefore, the petitioner has come forward with this petition seeking direction to the trial Court to complete the trial expeditiously by splitting the case against 8th accused.

4. Learned Additional Public Prosecutor concedes that NBW against A-8 was issued in the year 2012 and he could not be procured.

5. However, it is represented that an application was moved by the Investigating Officer before the trial Court even on 28.02.2015 itself, to split up the case and proceed with the trial as against the other accused. The C.C. is of the year 2012. For want of one accused, the case has been unnecessarily pending before the trial Court and other seven accused have been attending Court for the past four years, without any progress. On the side of prosecution, an application was also moved before the trial Court for splitting up the case.

6. Considering the above facts, the Chief Metropolitan Magistrate, Egmore, Chennai-8 is directed to split up the case as against the 8th accused and proceed with the trial, with respect to the other accused and complete the trial within a period of four months from the date of receipt of a copy of this order.

With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1.The Inspector of Police,
Central Crime Branch,
XXII Team,
Chennai.

2.The Chief Metropolitan Magistrate,
Egmore, Chennai-8.

3.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.22867 of 2016

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