

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.3580 of 2016

Senthil @ Ramesh

.. Petitioner

.. Vs ..

The Inspector of Police,
Mangalam Police Station,
Coimbatore District.
(Crime No.414 of 2005)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Judicial Magistrate No.II, Tiruppur, to complete the committal proceedings in P.R.C.No.36 of 2011, within the time stipulated by this Court.

For Petitioner : Mr.R.Ganesh Kumar

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

ORDER

The petitioner, who is the second accused in P.R.C.No.36 of 2011, has come forward with this petition seeking for a direction directing the learned Judicial Magistrate No.II, Tiruppur, to complete the committal proceedings in P.R.C.No.36 of 2011 within a time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. As per the direction given by this Court on 18.02.2016, the learned Judicial Magistrate No.II, Tiruppur, has sent a status report to this Court. On a perusal of the said report, it is seen that A.2, A.5 and A.8 alone have appeared before the Court. A.4 was produced in P.T. Warrant and subsequently A.4 was not appeared and therefore, N.B.W. has been issued. So as on today, fresh summons were ordered to A.1, A.3, A.6, A.7 and A.9. and N.B.W. is pending against A.4 and A.10 to A.12. A.2 and A.5 have filed a petition to

split up the case against them and the same is pending in Crl.M.P.No.7367 of 2015 and the same was posted to 28.03.2016.

4. The learned counsel for the petitioner would submit that he wants to split up the case as expeditiously as possible and also to commit the case.

5. At this juncture, the learned Additional Public Prosecutor would submit that in this matter, final report has been filed against 12 persons. A.1 and A.7 have died and NBW has been issued against the other accused. A.2 and A.5 alone have appeared but they have not filed any memo before the trial Court intimating the death of A.1 and A.7.

6. Considering the facts and circumstances of the case, the respondent police is directed to file the death certificates of A.1 and A.7 along with an affidavit of the Investigating Officer intimating the death of A.1 and A.7 before the committal Court. The respondent police is also directed to execute the Non-bailable warrant issued against A.4 and A.10 to A.12 and serve the summons to A.3, A.6 and A.9. Further, the Investigating Officer is directed to file his counter in Crl.M.P.No.7367 of 2015, within fifteen days from the date of receipt of copy of this order. The learned Judicial Magistrate No.II, Tiruppur, is directed to dispose the Crl.M.P.No.7367 of 2015, within a period of two months from the date of filing of the counter by the Investigating Officer.

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

Jrl

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Judicial Magistrate No.II, Tiruppur.
 2. The Inspector of Police,
Mangalam Police Station,
Coimbatore District.
 3. The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr.R.Ganesh Kumar, Advocate Sr 15430

KR/15/3/16

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