



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP (MD) No.3777 of 2017

Nisha : Petitioner/De-facto Complainant

Vs.

State rep. By
The Inspector of Police,
All women Police Station,
Kuzhithurai
Kanyakumari District.
(In Crime No.7 of 2009)

: Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, directing the respondent to secure the accused No.1 by executing the warrant issued against the accused No.1, by the learned Judicial Magistrate No.I, Kuzhithurai, pending from 03.01.2013 in C.C.No.294 of 2009 now split up case in C.C.No.81 of 2013 within a time frame as fixed by this Court.

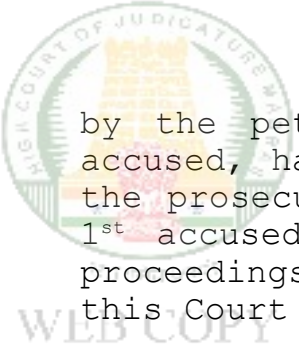
For Petitioner	: Mr.S.Sivaprakash
For Respondent	: Mr.K.S.Durai Pandian, Additional Public Prosecutor.

O R D E R

This petition has been filed for issuing a direction to the respondent to secure the 1st accused by executing the warrant already issued against the 1st accused by the learned Judicial Magistrate No.I, Kuzhithurai in C.C.No.294 of 2009.

2.It is stated that the 1st accused was absconding and that the case was therefore split up against his husband, the first accused in C.C.No.81 of 2013 and the same is pending. The learned Judicial Magistrate No.I, Kuzhithurai issued a non-bailable warrant. Though the order was passed by the lower Court to secure the person by issuing a warrant no further action appears to be taken.

3.The learned Additional Public Prosecutor on instructions would submit that the 1st accused is absconding. He further states that the mother of the 1st accused had filed a Habeas Corpus Petition for production of her son before this Court and that the said Habeas Corpus Petition was closed on the basis of the statement furnished



by the petitioner that the petitioner's husband i.e., the first accused, had been in abroad. Be that as it may, the respondent is the prosecution agency and cannot afford to sit idle. Even if the 1st accused is not traceable, the respondent should see that the proceedings pending before the Lower Court is concluded. Hence, this Court passes the following direction:

"The respondent is directed to secure the 1st accused if possible and to produce him before the Judicial Magistrate No.I, Kuzhithurai by executing the order already passed by the Lower Court and to do necessary things in the interest of justice so as to complete the proceedings in C.C.No.81 of 2013 with out much delay."

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1,
Kuzhithurai.
2. The Inspector of Police,
All women Police Station,
Kuzhithurai
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.SIVAPRAKASH, ADVOCATE IN SR No. 82684

DSS/MM

TE/KP/SAR-I : 06/11/2017 : 2P/5C

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