

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 14.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

WEB COPY

Cr1.O.P. (MD) No. 4216 of 2017

1.C.Jeya Chandran

2.L.Sekar

3.N.Kannan

: Petitioners/Accused 1, 2, 4

Vs.

State of Tamil Nadu

Represented by the

Sub Inspector of Police,

Eraniel Police Station,

Kanyakumari District.

(Crime No.234 of 2009)

: Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking direction for speedy disposal of the case in C.C.No.77 of 2010, pending on the file of the Court of Principal District Munsif cum Judicial Magistrate at Eraniel.

For Petitioner

: No appearance

For Respondents

: Mr.K.Anbarasan

Government Advocate (Criminal Side)

ORDER

No representation for the petitioner.

2. The Principal District Munsif cum Judicial Magistrate, Eraniel, has sent a report, dated 28.04.2017, wherein it is stated as follows:-

"3. I further humbly submitted that this case was taken on file on 11.3.2010. A1 to A4 appeared on 26.5.10 and charge framed in this case on 3.6.2017. On 4.7.2016 against 3rd accused Non Bailable Warrant was issued for his non appearance. Till date Non Bailable Warrant pending against 3rd accused. The case is passed on 12.07.2017 as NBW pending against 3rd accused.

4. I humbly submit that though I am holding the full additional charge of Additional District Munsif, Eraniel, I have been taking all efforts to dispose of the Hon'ble High Court direction cases, custody cases and senior citizens and old pending cases by giving priority.



5. I humbly submit the remarks regarding the reference as per Honourable High Court."

3. From the above, it is seen that A3 is in abscondance and therefore the trial is not progressing. In view of the nature of the allegations in the charge sheet, this Court directs the respondent police to submit a report and file an application for splitting up the case as against the absconding accused before the Trial Court, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the Trial Court shall proceed with the trial against the existing accused and complete the same, within 6 months.

4. With the above direction, this criminal original petition is closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1. The Principal District Munsif cum Judicial Magistrate Court, Eraniel, Kanyakumari District.
2. The Sub Inspector of Police, Eraniel Police Station, Kanyakumari District.

JIKR

PSM/SV-MMS/SAR4/28.06.2017/2P/3C

Order made in
Cr1.O.P. (MD) No.4216 of 2017
14.06.2017