



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

Crl.O.P. (MD) .No.7583 of 2017

WEB COPY

Micheal Lenis

.. Petitioner

Vs.

The Inspector of Police,
Pannagudi Police Station,
Tirunelveli District.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned Judicial Magistrate, Valliyoor to split the case in C.C.No.204 of 2015 in so far as the petitioner concerned and complete the trial within the stipulated time.

For Petitioner : Mr.R.Maheswaran

For Respondent : Mr.K.Anbarasan
Government Advocate
(Criminal side)

ORDER

This petition is filed seeking a direction to the learned Judicial Magistrate, Valliyoor, to split the case in C.C.No.204 of 2015 in so far as the petitioner is concerned and to complete the trial within the stipulated time.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3.The learned Government Advocate (Criminal Side), on instructions, would submit that the respondent police has registered a case in Crime No.359 of 2014, under Sections 147, 341, 294(b), 323 and 506(i) of IPC., altered into Sections 147, 341, 294(b), 323, 325 and 506(ii) of IPC., The respondent police has also laid charge sheet against one Babu and four others including the petitioner. When summons was issued to the accused persons, the petitioner received summons and contested the case. However, the accused Nos.2 and 5 have not appeared and summons were yet to be served.

4. The grievance of the petitioner is that the petitioner is aspiring to work in abroad and hence early disposal of the case will be convenient to him. The petitioner further submitted that he is not involved in the criminal case and if the trial is conducted he will be surely acquitted. Having regard to the



circumstances of the case, this Court has directed to call for report from the concerned Judicial Magistrate. The report has been received stating that the police is not in a position to serve notice to the accused persons 2 and 5 and that therefore the summons were affixed only in the outer door of the house of the said accused persons in the presence of the Village Administrative Officer.

5. The learned Government Advocate(Crl.Side) appearing for the respondent submitted that the case prolonged only because of the fact that the two accused are absconding. Having regarding the peculiar circumstances of the case and the prospects of the petitioner in getting a job in abroad, this Court is inclined to issue the following direction.

"The learned Judicial Magistrate, Valliyoor is directed to split the case in C.C.No.204 of 2015 insofar as the petitioner and other served accused Nos.1 and 3 are concerned and complete the trial within a period of three months from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Valliyoor.

2. The Inspector of Police,
Pannagudi Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Maheswaran, Advocate,SR.64618

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PJL

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