



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH
Crl.O.P.(MD) No.7735 of 2017
and Crl.M.P.No.5294/2017

C.Adharsh

... Petitioner

-vs-

The State of Tamil Nadu
rep. by the Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the learned Judicial Magistrate Court, Padmanbhapuram, Kanyakumari District to split up the case in PRC No.37 of 2016 in Crime No.55 of 2016 on the file of the respondent police in respect of the petitioner/Accused No.3 and commit the case to the District Sessions Court, Nagercoil, Kanyakumari District within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.K.Anbarasan
Govt. Advocate (Crl.Side)

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

2. Today, Ms.A.Marial Rose, Special Sub Inspector of Police, Thiruvattar Police Station, Kanyakumari, is present before this Court.

3. It is seen that this petitioner is facing committal proceedings in PRC No.37/2016 before the Judicial Magistrate, Padmanabhapuram, Kanyakumari District along with two other persons, by name, Ajith and another for offence under Section 302 IPC. It is the grievance of the petitioner that Ajith is absconding and that the police are not taking any steps to secure his presence. Therefore, the petitioner is before this Court for a direction to the Judicial Magistrate, Padmanabhapuram, to split up the case in PRC No.37/2016.

4. On instructions, the learned Government Advocate submitted that the police have issued Look Out Circular against Ajith and they have also initiated surety action before the Court.



5. In a case of this nature, it will not be advisable to hurriedly split up the case and conduct the trial, because the prosecution witnesses will have to be examined again and again. However, the learned Judicial Magistrate, Padmanabhapuram, shall issue appropriate directions to the respondent police to secure the presence of the absconding accused and after waiting for a reasonable period, if the police are not able to secure his presence, he may split up the case under Rule 17 of the Criminal Rules of Practice, on the application made by the prosecution and proceed with the committal proceedings against the available accused.

6. With the above direction, this petition is closed. Consequently connected Miscellaneous Petition is closed.

Sd/-

ASSISTANT REGISTRAR(CS-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

- 1.The Judicial Magistrate,
Padmanabhapuram.
- 2.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC TO MR.T.LAJAPATHI ROY, ADVOCATE,SR NO.62331

RR

MAS/KP/SAR2:07.07.2017:2P-5C

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