



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:29.08.2017
CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

WEB COPY

CRL.O.P.(MD)No.9613 of 2017

Vincent @ Villan Vincent

... Petitioner/Accused No. 1

-Vs-

1. The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.293 of 1998)

... Respondent / Complainant

2.Sekar
3.Murugan
4.D.Justin @ Pattakathi Justin
5.Kumar
6.Akurajan @ Regurajan
7.Thampibivin
8.Rajaputhiran
9.R.Justin@ Viji
10.Kannan
11.Suresh
12.Raja Gopal
13.K.Justin
14.T.Manikandan
15.A.Manikandan
16.Ricchard
17.Rajan
18.Moni
19.Suresh
20.Gopalakrishnan @ Thalaiyatti sekar
21.Mohan
22.Raja
23.Vesili
24.Paul Nadar
25.Selvin

... Respondents / Accused Nos. 2 to 25

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the Judicial Magistrate, Padmanabhapuram to split up the case against petitioner and committal the same in PRC No.62 of 2005 on the file of Judicial Magistrate, Padmanabhapuram.

For Petitioner

: Mr.N.S.Rama Krishnadass

For R-1

: Mr.K.Anbarasan

Government Advocate (Crl.Side)

O R D E R

This Criminal Original petition is filed to direct the Judicial Magistrate, Padmanabhapuram to split up the case against petitioner and commit the same in PRC No.62 of 2005 on the file of Judicial Magistrate, Padmanabhapuram.

2.The petitioner in this case is the first accused. The respondent police registered a case in Crime No.293 of 1998 for offences under Sections 147, 148, 341, 450, 324, 326, 307 and 379 of I.P.C. Though the case was registered against 25 accused including the petitioner who is the first accused, the Criminal case even after filing a charge sheet could not be proceeded because of the non-appearance of all other accused. Though Non-Bailable Warrant is pending as against the other accused, it is submitted that except the accused No.1 to 3, no one appeared before the lower Court. It is in this circumstances stated that the petitioner is the only accused who is appearing before the Court on all the hearings, and that the case was not committed and pending before the Judicial Magistrate, Padmanabhapuram for the past 12 years. Unless the case is split up as against the co-accused, the learned counsel appearing for the petitioner states that the petitioner will put to great prejudice. The learned counsel for the petitioner further states that the petitioner is innocent.

3.In the said circumstances, the learned counsel appearing for the petitioner states that the petitioner has come forward with this petition seeking a direction to split up the case against the petitioner in PRC No.62 of 2005 on the file of Judicial Magistrate, Padmanabhapuram.

4.The learned Government Advocate (Criminal Side) appearing for the first respondent submitted that there was no serious objection for granting the prayer to the petitioner. He has also submitted that the presence of other accused could be secured.

5.In the said circumstances, this Criminal Original Petition is allowed with a direction to the learned Judicial Magistrate, Padmanabhapuram to split up the case against the petitioner in PRC.No.62 of 2005 and commit the same.

Sd/-

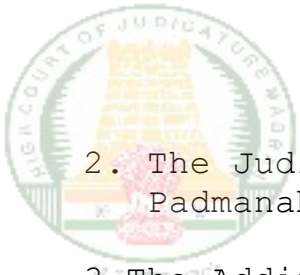
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

<https://hsrvt.in> ~~Service of Police, Thiruvattar Police Station, Kanyakumari District.~~
Service of Police,
Thiruvattar Police Station,
Kanyakumari District.



2. The Judicial Magistrate,
Padmanabhapuram.

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

+1cc to Mr.N.S.Rama Krishna Dass, Advocate in SR.No.75306

Is/cmr

AE/KP/SAR3/20.09.2017/3P/5C

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