

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 26.07.2018
CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.26879 of 2017

1.Benson Mathew @ Benson
2.Prince
3.Vinoth

.. Petitioners

Vs

State rep. by
The Inspector of Police,
Crime Branch,
K-5 Peravallur Police Station,
Chennai-82.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned I Additional Sessions Judge, Chennai to split up the trial in SC.No.218 of 2012 as far as the petitioners are concerned on his file.

For Petitioners : Mr.T.R.Sivaram
For Respondent : Mr.C.Iyyapparaj, APP

O R D E R

This petition has been filed to direct the learned I Additional District and Sessions Judge, Chennai to split up the trial in SC.No.218 of 2012 as far as the petitioners are concerned.

2.The petitioners are A2, A3 and A5 in S.C.No.218 of 2012 on the file of the I Additional District and Sessions Judge, Chennai for the offences under Section 392, 379 r/w 34 IPC. It is the grievance of the petitioners that trial began with the examination of PW1 on 04.06.2012 and after the examination of three witnesses, the trial came to halt, since Sathish/A1 and Raju/A4 absconded. Under such circumstances, the petitioners are before this Court for a direction to the trial Court to split up the case as against the absconding accused and proceed with the trial as regards the available accused.

3.Heard Mr.Sivaram, learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

4.It is seen that the FIR in this case was registered in the year 2011 and the trial is pending since 2012. Mr.Sivaram submitted that Sathish/A1 has been arrested very recently and that, Raju/A4 is still in abscondance.

5.Under such circumstances, this Court directs the respondent Police to either secure Raju/A4 and any other absconding accused in S.C.No.218 of 2012 within three months from the date of receipt of a copy of this order or *inter alia* file an application under Rule 17 of Criminal Rules of Practice for splitting up of the case as against the absconding accused and proceed with the trial as regards the available accused. The learned I Additional District and Sessions Judge, Chennai is directed to ensure that the Police should execute the warrant against the absconding accused within a reasonable time, failing which, the trial Court shall split up the case and proceed with the trial as against the available accused.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.I Additional District and Sessions Judge,
Chennai.

2.The Inspector of Police,
Crime Branch,
K-5 Peravallur Police Station,
Chennai-82.

3.The Public Prosecutor,
High Court, Madras.

SPD(CO)

sm:9.8.2018

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