

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.16574 of 2018

A.Manikandan

... Petitioner

-Vs-

State rep.by

1. The Superintendent of Police,
Villupuram District,
Villupuram

2. The Inspector of Police,
Mayilam Police Station,
Villupuram District.
(Crime No.250 of 2010)

... Respondents

Prayer: Petition filed under Section 482 Criminal Procedure Code to direct the trial Court to dispose of the trail proceedings in PRC. No. 6 of 2012 pending committal on the file of the J.M 2,Tindivanam within the time frame.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents : Mr.C.Iyyappa Raj, APP

ORDER

The prayer sought for in the present petition is for a direction to dispose of the trail proceedings in PRC. No. 6 of 2012 pending committal on the file of the J.M 2,Tindivanam within the time frame.

2. The petitioner/defacto complainant is the brother of the deceased who filed a case in PRC. No. 6 of 2012, which is pending committal on the file of the learned Judicial

Magistrate- II, Tindivanam.

3. Pursuant to the directions of this Court dated 27.06.2018, the learned Judicial Magistrate No.II, Tindivanam has sent a report dated 09.07.2018, wherein it is stated as follows;

" It is submitted that in PRC.NO. 6/12 there are 17 accused were arrayed in which the Non Bailable Warrant was pending against A12 and so this court cannot commit this case to Session Court. In this regard this Court directed the concerned police to execute the warrant expeditiously"

4. From a reading of the above report, it is seen that A12 has been in abscondance.

5. The learned Additional Public Prosecutor submitted that A1 is absconding from 03.11.2017.

6. The learned counsel for the petitioner submitted that two accused have died and one witness has been murdered.

7. Taking into consideration these facts, this Court directs the Superintendent of Police, Villupuram / 1st respondent herein to take effective steps to secure A12 in Mayilam Police Station in Crime No. 250 of 2010 and produce him before the concerned Magistrate or inter-alia, take steps to have the case split up as against the absconding accused, so that the committal proceedings can proceed further to its logical conclusion. If any of the accused is found absconding, a fresh FIR can be registered against them under Section 229 (A) of IPC.

***8. In view of the above, the learned Judicial Magistrate No.II, Tindivanam is directed to complete the committal proceedings within three months from the date of receipt of a copy of this order.**

With the above directions, the Criminal Original Petition stands closed.

Sd/-

Assistant Registrar (CS-CO)

*Corrected as per order dt.2.11.2018
made herein

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II,
Tindivanam.

To be substituted to the
order already despatched
on 24.9.2018

2. The Superintendent of Police,
Villupuram District,
Villupuram

3. The Inspector of Police,
Mayilam Police Station,
Villupuram District.

+1cc to Mr.K. Gandhikumar, Advocate SR.No.75821

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GMV (06/09/2018)
sm:12.11.2018



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