



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P. (MD) No.13924 of 2018

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Mahendran @ Kamal Annadurai

... Petitioner

Vs.

The Inspector of Police
Thirumangalam Taluk Police Station
Madurai District
(Crime No. 126 of 2008)

...Respondent

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Assistant Sessions Court/Subordinate Court, Thirumangalam to dispose the case pending before the same in S.C.No.167 of 2009 in Crime No. 126 of 2008 on the file of the respondent police within the time stipulated by this Honourable Court.

For Petitioner : Mr.M.Maran
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

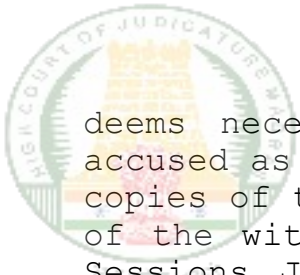
ORDER

This petition has been filed by the petitioner /A1 seeking for a direction to the learned Assistant Sessions Judge, Thirumangalam to dispose of the case pending in S.C. No.167 of 2009.

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

3. It is seen from the records that there are eight accused persons. Charges were framed in the year 2009 and from then there has been no progress in the case. It is also seen that from the records that certain accused persons are absconding and Non Bailable Warrant is pending execution. The Court below cannot keep the case pending on the ground that Non Bailable Warrant has not been executed insofar as certain accused persons who are absconding for a long time.

4. The learned Assistant Sessions Judge, Thirumangalam is directed to split up the case and proceed with the trial insofar as the accused persons who are participating in the proceedings and complete the proceedings within a period of eight months from the date of receipt of a copy of this order. While splitting up the case, the Court below shall assign a fresh number to the split up case relating to the absconding accused. While recording the evidence of the witness under section 299 of the Code of Criminal Procedure, the court below is directed to take as many copies as it



deems necessary for the purpose of furnishing to the absconding accused as and when they appear or produced before the Court. The copies of the records of the original case including the deposition of the witnesses shall be duly attested by the learned Assistant Sessions Judge, Thirumangalam and shall be filed in the split up case.

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

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Assistant Sessions Judge/Subordinate Judge,
Thirumangalam.
- 2.The Inspector of Police
Thirumangalam Taluk Police Station
Madurai District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.M.Maran, Advocate, SR.No.77349

Crl.O.P.(MD)No.13924 of 2018

06.08.2018

AAV

ES/KK/SKN/RSK/SAR 3/21.08.2018/2P/5C