



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Cr1.O.P.[MD].No.15214 of 2018

WEB COPY

M.Anbukkarasi

: Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur District, Thanjavur.

2.The Inspector of Police,
All Women Police Station,
Pattukkottai, Thanjavur District.

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. directing the learned Judicial Magistrate, Pattukkottai to expedite trial in C.C.No.765 of 2012 on the file of the learned Judicial Magistrate, Pattukkottai within the stipulated time.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate[Criminal Side]

ORDER

The Criminal Original Petition has been filed for a direction to the learned Judicial Magistrate, Pattukkottai to expedite the trial in C.C.No.765 of 2012.

2.Heard Mr.S.Doraisamy, learned counsel appearing for the petitioner and Mr.S.Suyambulinga Bharathi, learned Government Advocate [Criminal Side] appearing for the respondents.

3. The learned counsel for the petitioner would submit that there are totally six accused persons in this case and A1 to A3 are absconding and are staying at Singapore. A4 to A6 are available before the Court. The learned counsel would further submit that the Court below cannot wait for the presence of the A1 to A3 and will have to resort to splitting of the case and must proceed with the trial insofar as A4 to A6 are concerned.

4. The learned Government Advocate would submit that the Court below has already issued a non-bailable warrant against A1 to A3 and the respondent police have also initiated action by issuance of LOC in order to secure A1 to A3 and the same is pending.



5. It is seen from the records that right from the year 2012 onwards A1 to A3 have been absconding and they have never appeared before the Court. The Court below ought not to have waited for so many years without proceeding with the case, only on the ground that A1 to A3 are absconding in this case. The Court below ought to have exercised its power under Section 82 of Cr.P.C.

6. The facts and circumstances of the case, makes it clear that the presence of A1 to A3 cannot be secured within a reasonable time and therefore the Court below is directed to split up the case and proceed with the case insofar as A4 to A6 are concerned. The Court below shall assign a fresh number to the split up case relating to the absconding accused namely, A1 to A3 and enter the same in the relevant register of the current year.

7. The Court below shall record the evidence of the witnesses in the pending case in accordance with Section 299 of Cr.P.C and take as many copies as it deems necessary for the purpose of issuing to the absconding accused as and when they appear or when they are produced before the Court. The copies of the records of the original case pending in C.C.No.765 of 2012 including the deposition of the witnesses, duly attested by the learned Judicial Magistrate, Pattukkottai, shall be filed in the split up case.

8. The learned Judicial Magistrate, Pattukkottai is directed to carry out the above said directions forthwith and shall proceed with C.C.No.765 of 2012, insofar as A4 to A6 are concerned. The learned Judicial Magistrate, Pattukkottai is directed to complete the proceedings in C.C.No. 765 of 2012, within a period of four months from the date of receipt of copy of this order.

9. The Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(Crl.side)

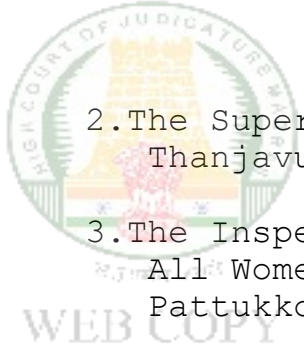
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Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate,
Pattukkottai.

(To Report Compliance of the above
direction and to report before this
Court immediately after the completion
of the proceedings)



2.The Superintendent of Police,
Thanjavur District, Thanjavur.

3.The Inspector of Police,
All Women Police Station,
Pattukkottai, Thanjavur District.

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

+1CC to Mr.S.Durai Samy, Advocate, SR.No. 80794

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SJI
ES/SKN/RSK/SAR 3/24.09.2018/3P/6C