

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.12.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.29784 of 2012

1.M.A.S.Abdul Kadar Maricar
2.Ummakolusam ... Petitioners/ Accused 1&2

Vs.

1.State Rep By
The Sub Inspector of Police
T.R.Pattinam Police Station,
Karaikkal.

2.A.M.Humayun ... Respondents/ Defacto Complainant

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records and quash C.C.No.164 of 2012 on the file of JM II Karaikkal.

(C.C.No. Amended as per order of this Hon'ble Court dated 04.08.2014 in M.P.No.1 of 2014)

For Petitioners : Mr.N.A.Nissar Ahmed
For Respondents : Mr.D.Bharatha Chakravarthy for R1
Public Prosecutor (Pondy)
Mr.Kamalakumar for R2

O R D E R

The petitioners have filed this petition seeking to call for the records in C.C.No.164 of 2012 on the file of the learned Judicial Magistrate No.II, Karaikkal and to quash the same.

2.The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as A1 and A2 in this case. He would further submit that during the pendency of this criminal original petition, accused A1 and A3 passed away and nothing survives further for trial, however, without going into the merits of the case, it would suffice, if this Court issues direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the second petitioner before the Trial Court may be dispensed with and would further submit that the second petitioner is ready to appear as and when necessary arise.

3.The learned Public Prosecutor (Pondy) appearing for the first respondent and the learned counsel appearing for the second respondent concede to the request made by the learned counsel appearing for the petitioners.

4.In view of the above, this Court directs the learned Judicial Magistrate No.II, Karaikkal, to expedite the trial in C.C.No.164 of 2012 and complete the same as early as possible. The appearance of the second petitioner before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the second petitioner for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary.

5.With the above directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.II,
Karaikkal.

2.The Sub Inspector of Police
T.R.Pattinam Police Station,
Karaikkal.

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr. Nissar Ahemed, Advocate SR.No. 10543

+1cc to Public Prosecutor, Puducherry Advocate SR.No. 105036

CrI.O.P.No.29784 of 2012

A.SK(04/02/2020)