

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5541 of 2019

Mani @ Manikandan

... Petitioner/Accused-A11

Vs.

State by

Inspector of Police,
Odiansalai Police Station,
Puducherry.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Judicial Magistrate II at Puducherry to split up the above said PRC.No.5 of 2018 in Crime No.1/2017 on the file of the Sub-Inspector of Police, Odiansalai Police Station, Puducherry as against the absconding accused and commit the case for trial before the Court of Sessions at Puducherry as expeditiously as possible within a time frame.

For Petitioner : Mr.S.Xavier Felix

For Respondent : Mr.V.Balamurugane,
Additional Public Prosecutor (Pondy)

ORDER

This petition has been filed to direct the Learned Judicial Magistrate II at Puducherry to split up the above said PRC.No.5 of 2018 in Crime No.1/2017 on the file of the Sub-Inspector of Police, Odiansalai Police Station, Puducherry as against the absconding accused and commit the case.

2.The learned counsel for the petitioner submitted that one, Jacques Antoine Prosper Desire was murdered over a property dispute and a case was registered in Crime No.209 of 2006, and the same was taken for trial in S.C.No.30 of 2011, the proceedings of which was quashed by this Court in Crl.O.P.No.16374 of 2011. Now one of the legal heirs of the deceased has filed a fresh complaint on the same murder, and the case has been registered in Crime No.1 of 2017 for the offences under Sections 420, 120(b), 427, 448, 324, 395, 294(b), 506(ii) I.P.C. r/w 149 I.P.C., which has been taken on file in

P.R.C.No.5 of 2018, wherein non-bailable warrant has been issued against the petitioner and other accused persons, and the petitioner was also produced on 16.03.2018.

3. The learned Additional Public Prosecutor would submit that there are 16 accused in the case, and A1, A9 and A10 are living in abroad and could not be traced. He further submits the petitioner is the subsequent purchaser of the property which originally belongs to the defacto complainant as such the prayer sought for by the petitioner cannot be granted.

4. It is seen that the petitioner involved in all the offences under Sections 420, 427, 120(B), 427, 448, 324, 395, 294(b), 506(ii) IPC r/w.149 of IPC and there are totally 16 accused in this case. On 01.03.2018, the learned Judicial Magistrate No.2, Puducherry had issued non-bailable warrant against the accused A1 to A10. Further it is also seen that some of the accused persons are in abroad as such the case of the petitioner alone cannot be split up from P.R.C.No.5 of 2018.

5. Accordingly, this criminal original petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pds/Lok
To

1.The Inspector of Police,
Odiansalai Police Station,
Puducherry.

2. The Learned Judicial Magistrate II,
Puducherry

3.The Additional Public Prosecutor,
(Pondicherry)

+1cc to M/S.S.Xavier Felix, Advocate Sr.20846

Cr1.O.P.No.5541 of 2019

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