

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.23497 of 2019

Mohammad Fizal @ Fizal

... Petitioner

-vs-

1.The State Rep. by,
The Inspector of Police,
Saravanampatti Police Station,
Coimbatore
In Cr.No.580/2016

2.Balan
3.Arvindsam
4.Dheena
5.Karthi
6.Aravintha Kumar
7.Prathab
8.Hari
9.Suriya
10.Raja
11.Sivan
12.Anand

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.II of Coimbatore to dispose the PRC No.27 of 2017 pending committal as expeditiously possible or within the time frame fixed by this Court.

For Petitioner : Mr.A.Nowfal

For Respondents : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the Judicial Magistrate No.II, Coimbatore to commit the case which is now pending in PRC.No.27 of 2017.

2.It is seen from records that the case is pending at the stage of committal for the last two years and

there are totally 11 accused persons involved in this case. The final report has been filed for an offence under Sections 147, 148, 341, 307, 302, 149 and 109 of IPC. The daily status produced before this Court shows that the accused persons are not appearing before the Court below regularly and therefore, Non-Bailable Warrant is pending against some of the accused persons.

3.The learned counsel for the petitioner submitted that the petitioner is the defacto complainant and the case is dragged on by the accused persons by absconding one after another and therefore left with no other alternative, the petitioner has approached this Court.

4.Taking into consideration of the facts and circumstances of the case, there shall be a direction to the Court below to ensure the presence of all the accused persons. If some of the accused persons are adopting dilatory tactics, it is open to the committal Court to insist upon their presence and remand them into custody as laid down by the Hon'ble Supreme Court in State of Uttarpradesh v. Shambhu Nath Singh and Ors. reported in JT 2001 (4) SC 319. If the presence of some of the accused persons cannot be secured immediately, the case shall be split up in accordance with the guidelines given by this Court in H.Aarun Basha vs. The State represented by the Inspector of Police, E-5, Cholavaram Police Station, Thiruvallur District reported in 2019 1 LW (Cr1) 15. This process shall be completed within a period of two months from the date of receipt of copy of this order. The Sessions Court to which the case is committed, shall frame the charges immediately and conduct a day-to-day trial and complete the proceedings within a period of six months.

5.This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs

To

1.The Inspector of Police,
Saravanampatti Police Station,
Coimbatore District.

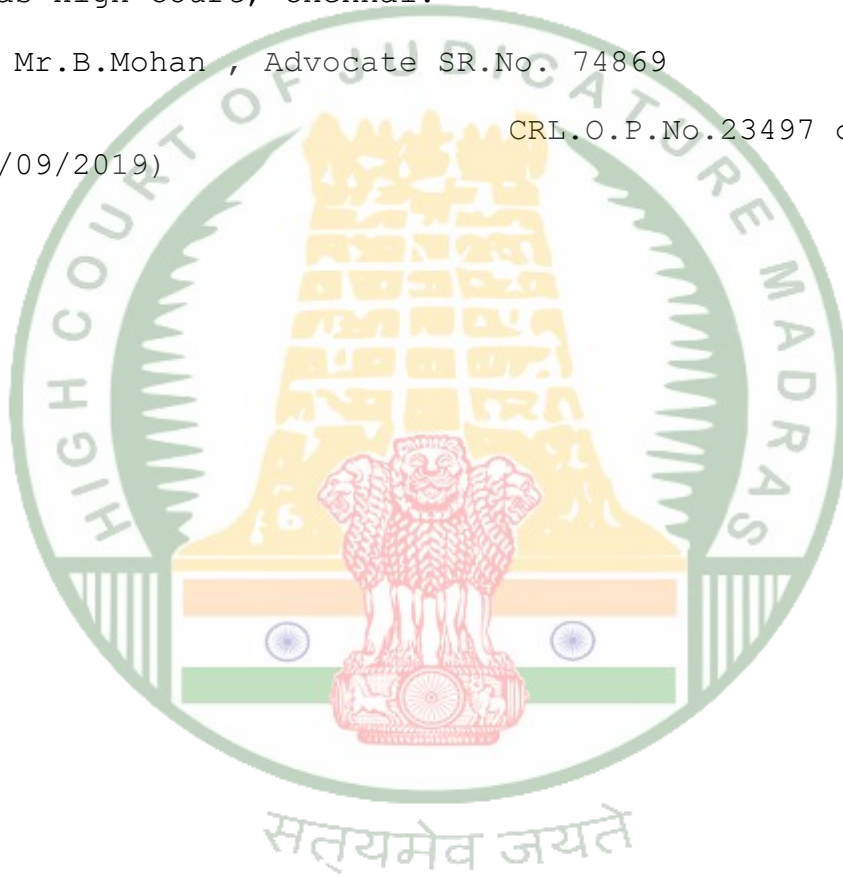
2.The Judicial Magistrate, II, Coimbatore

3.The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.B.Mohan , Advocate SR.No. 74869

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A.SK(18/09/2019)



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