

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.25248 of 2017

V.Vijaya

... Petitioner

Vs.

State Rep. by its
Inspector of Police
AVS Police Station
Chindatripet
Chennai 600 002

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned IV Metropolitan Magistrate, Saidapet to expedite the trial in C.C.No.3097 of 2016 by splitting the trial in respect of the Accused No.1 the petitioner herein within the time stipulated by this Court.

For Petitioner : Mr.L.Gavaskar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed by the petitioner under Section 482 of Cr.P.C, to direct the learned Metropolitan Magistrate, Saidapet to expedite the trial in C.C.No.3097 of 2016 by splitting the trial in respect of the Accused No.1 the petitioner herein within the time stipulated by this Court.

2.The learned counsel for the petitioner would submit that the NBW is pending against the 2nd accused namely Veni for more than one year and the respondent police could not secure the 2nd accused. The above C.C.No.3097 of 2016 proceedings are delaying due to the non appearance of the 2nd accused. The petitioner is diabetic patient and due to her ill health condition she prays

for a speedy disposal of the case. Hence, the petitioner is left with no other option except to file the above Criminal Original Petition for appropriate relief.

3.The learned Additional Public Prosecutor would submit that as per the decision of this Court in Crl.O.P.No.28952 of 2018 reported in 2019-1-L.W.(Crl.) 15 (H.Aarun Basha Vs. The State rep. by the Inspector of Police, E-5, Cholavaram Police Station, Thiruvallur District, P.R.C.No.17 of 2010), this Court shall issue appropriate direction to the learned IV Metropolitan Magistrate, Saidapet, to expedite the Trial in C.C.No.3097 of 2016 by splitting the trial in respect of the accused No.1, the petitioner herein.

4.Considering the submissions made by the learned public prosecutor, the learned IV Metropolitan Magistrate, Saidapet is hereby directed to split up the petitioner's case from C.C.No.3097 of 2016 and assign separate Calender case number as against the petitioner and complete the trial proceedings within the period of three months from the date of receipt of a copy of this order.

5.Accordingly, this Petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kas /vsn

To

1.The IV Metropolitan Magistrate,
Saidapet, Chennai.

2.The Inspector of Police,
AVS Police Station,
Chindatripet, Chennai 600 002.

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

+1 cc to M/s.L.Gavaskar, Advocate Sr.No.13013

CRL.O.P.No.25248 of 2017

CSL/07.03.2019