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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE. N. SESHASAYEE

Cr1.O.P.[MD].No.4091 of 2019

Nammalwar Srinivasan : Petitioner / Petitioner / Accused No.1

/Vs./

State through

The Inspector of Police,

All Women's Police Station,

Virudhunagar.

: Respondent / Respondent / Complainant

[Crime No.4 of 2009]

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the impugned order in Cr.M.P.No.965 of 2019 in C.C.No.60 of 2016 dated 11.02.2019 on the file of the Judicial Magistrate No.II, Virudhunagar District and set aside the same and permit the petitioner to travel to Singapore and to return in August 2019.

For Petitioner : Mr.G.Mariappan

For Respondent : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This petition is filed seeking permission for the petitioner to travel to Singapore.

2. According to the learned counsel appearing for the petitioner, the petitioner has been working in Singapore, that he has married to the *de facto* complainant, that since 2002 matrimonial differences entered in their life and ever since the spouses are living separately. This is the only case pending between the parties in which the petitioner faces charges for offences under Sections 498A, 406 and Section 4 of the Dowry Prohibition Act.

3. The learned Additional Public Prosecutor submitted that there are nine witnesses in this case. The case has been charge sheeted on 10.11.2009 and was taken on file in C.C.No.329 of 2009. Since the petitioner did not appear, the case was finally split up as against his parents in C.C.No.60 of 2016, in which, six out of the nine witnesses have already been examined. In the meantime, look out notice was issued for the petitioner on 09.10.2015, subsequently, the petitioner submitted to the judicial process, still the look out notice is pending.



4. The learned counsel appearing for the petitioner submitted that the petitioner is working in a private concern, that if he was not allowed to leave Singapore till 2016, since he was under a contract of employment from 2009 to 2016. The petitioner now wants to return to Singapore. But, look out notice is kept alive.

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5. Taking into account the totality of the matters, this Court now directs C.C.No.329 of 2009 now pending before Judicial Magistrate for trial and the entire trial is now directed to be concluded within a period of three months from the date of receipt of a copy of this order. In order to avoid conflict of judgment, the trial Court is also directed to try both the cases simultaneously. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Judicial Magistrate No.II,
Virudhunagar.

2.The Inspector of Police,
All Women's Police Station,
Virudhunagar.

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

+1CC TO MR.G.MARIAPPAN, Advocate Sr. No.55056

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TR (12.04.2019) 2P 5C