



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.06.2019
CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
CRL.O.P. (MD) .No.982 of 2017
and
CRL.M.P. (MD) Nos.826 and 827 of 2017

Iyyapan : Petitioner

Vs.

1. The State represented by
the Inspector of Police,
V.K. Puram Police Station,
Crime No. 243 of 2014,
Tirunelveli District.

2. Rajeshkannan : Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to admit this quash petition on file, to call for the records in S.C.No.432 of 2016, on the file of the Sub Court, Ambasamuthiram, Tirunelveli District and quash the same.

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel,
For Mr.K.Prabhu

For Respondent No.1 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor.

For Respondent No.2 : No Appearance

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No.432 of 2016.

2. Today, when the matter was taken up for hearing, the learned Senior Counsel appearing for the petitioner seeks permission of this Court to withdraw this petition and he has also made an endorsement to that effect. Further, the learned Senior Counsel submitted that the petitioner is a handicapped person and hence, his appearance before the Trial Court may be dispensed with.

3. The learned Additional Public Prosecutor appearing for the first respondent, on instructions, submitted that now some of the accused are absconding and warrant is pending against them. In



the above circumstances, the trial is pending for more than three years.

4. Considering the fact that the matter is pending for more than three years and some of the accused are absconding and they could not be secured by the first respondent police, the first respondent is directed to file necessary application before the Trial Court seeking for splitting up the case in respect of the absconding accused. On filing such application, the Trial Court is directed to split up the case and proceed with the trial in respect of available accused. Insofar as the appearance of the petitioner before the Trial Court is concerned, if the petitioner has any genuine grievance in appearing before the Trial Court, it is always open to him to file necessary application before the Trial Court seeking for dispensing with his appearance and on filing such application, the Trial Court is directed to consider the same and pass appropriate orders on its own merit.

5. Accordingly, the Criminal Original Petition is dismissed as withdrawn. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Sub Court,
Ambasamuthiram,
Tirunelveli District.

2.The Inspector of Police,
V.K. Puram Police Station,
Tirunelveli District.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-68101[F] dated 12/06/2019)

ksa/sml

Order made in
CRL.O.P. (MD) .No.982 of 2017
11.06.2019