

Crl.OP.No.21772 of 2013

M.NIRMAL KUMAR., J.

This Court while disposing the above petition by order dated 21.01.2020, directed the learned Judicial Magistrate No.I, Poonamallee to dispose the case in C.C.No.268 of 2012, within a period of three months.

2.It is seen from the communication sent by the learned Judicial Magistrate I, Poonamallee, in D.No.708 of 2020 dated 01.06.2020, is as follows:

"I most humbly submit that the Honourable High Court of Judicature at Madras has directed in Crl.O.P.No.21772 of 2013 and M.P.No.1 of 2013, dated 21.01.2020 to dispose C.C.No.268/2012 on the file of this Court within a period of three months from the date of receipt of Honourable High Court order. The Honourable High Court order was received by this Court on 31.01.2020.

I most humbly submit that immediate notice issued to the prosecution and council of accused in D.No.240/2020 dated 31.01.2020. On 05.02.2020 no witness was produced. On 13.02.2020 LW4, LW5 were produced and examined on the side of prosecution. Counsel for A1, A2 filed petition u/s.311 Cr.P.C. to recall the PW1 to PW3, the same was allowed on 13.02.2020 and summon issued to PW1 to PW3. On 24.02.2020 PW1, PW2

present. A3 not appeared and counsel for A3 filed a memo stating that he withdrew his memo of appearance. Hence, non bailable warrant issued against A3. On 28.02.2020 A2 not turned up, hence non bailable warrant issued against A2. On 11.03.2020 A2 surrendered and Non Bailable Warrant recalled and cancelled against A2. Again 13.03.2020 non bailable warrant issued against A2, as A2 not turned up and conditional order was not complied by A2. This case is adjourned as non bailable warrant against A2, A3 is pending. During the Pandemic situation of Covid – 19 and non-execution of non bailable warrant against A2, A3 by prosecution, this Court is unable to comply the conditional order of Honourable High Court of Madras.

3.From the communication sent by the learned Judicial Magistrate No.I, Poonamallee, it seen that the petitioner and A2 are absconding, due to which Non-bailable Warrant was issued against them. But, till now the petitioner and A2 could not be secured and Non-Bailable Warrant is pending. At this juncture, the learned Additional Public Prosecutor seeks one week time to secure the absconding accused.

4.Post the matter on 21.09.2020.

09.09.2020

bri

M.NIRMAL KUMAR.J.,

bri



Crl.OP.No.21772 of 2013

WEB COPY

09.09.2020