

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR
CRL.O.P.No.6601 of 2021

A.Palaniappan

... Petitioner

Versus

1.N.Soundarajan,
Editor, "Athiradi Vigilance",
No.95, Vanapattari Street,
Theppakulam Post,
Trichy-2.

2.B.Sundareasn,
Special Reporter, "Athiradi Vigilance",
No.28, 1st Cross Street,
Chrompet, Chennai-600 044.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate No.I, Tambaram to conduct the trial and dispose the case in C.C.No.932 of 2011 on merits as per law, expeditiously without any further delay, within the time frame fixed by this Court.

For Petitioner : Mr.R.Prasadh

ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.I, Tambaram to conduct the trial and dispose the case in C.C.No.932 of 2011 on merits as per law, expeditiously without any further delay, within the time frame fixed by this Court.

2.The petitioner/defacto complainant has filed a private complaint under Section 200 Cr.P.C., against the respondents 1 and 2, for offence under Section 500 IPC and the same was taken on file in C.C.No.932 of 2011 by the learned Judicial Magistrate No.I, Tambaram. Since the summons could not be served to the 1st respondent, the case is now kept pending. As regards, the 2nd respondent, on receipt of the summon, he is appearing before the trial Court as and when required. Hence, the petitioner has filed a petitioner under Section 32(3) of the Criminal Rules of Practice, 2019 and the same is kept pending and no orders has been issued.

3.The learned counsel for the petitioner submitted that the learned Judicial Magistrate No.I, Tambaram was pleased to issue non-bailable warrant against the 1st respondent after service of

summons and the same has been pending from the year 2011. Since the Inspector of Police, Fort Police Station, Tiruchirapalli failed to execute the non-bailable warrant for a long period, the case has been adjourned periodically. Without any alternative, the petitioner has filed a petition praying to split up the case in C.C.No.932 of 2011 and the same has been adjourned periodically without any valid reason. Hence, he prayed for appropriate direction.

4. On perusal of the records, it could be seen that the petitioner has already filed a petition under Section 32(3) of Criminal Rules of Practice to split up the case in C.C.No.932 of 2011. So far no order has been passed. The trial Court is remained that as per Section 32(3) of the Criminal Rules of Practice, 2019, if the Court is satisfied with the presence of the other accused cannot secured within a reasonable time, having due regard to the right of such of the accused in attendance to have the case against them enquired into or tried without delay, the Court may split up the case if it is satisfied that such splitting up will cause no prejudice either to the prosecution or to the accused in attendance and proceed with the enquiry or trial as regards the accused who are in attendance. Hence, it is for the trial Court to take steps in securing the absconding accused or pass appropriate orders in the petition filed under Section 32(3) of the Criminal Rules of Practice in accordance with law.

5. In view of the above, this Criminal Original Petition is disposed of with a direction to the learned Judicial Magistrate No.I, Tambaram to pass appropriate order on the petition filed by the petitioner under Section 32(3) of Criminal Rules of Practice within a period of three weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vv2

To

The Judicial Magistrate No.I,
Tambaram.

+cc to Mr.R.Prabhavathy, Advocate Sr.No.22312

CRL.O.P.No.6601 of 2021

PMK (CO)

baf 04/05/2021