



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.20837 of 2021

K.Sabesan

... Petitioner/Defacto Complainant

Versus

The State Rep. by
The Sub - Inspector of Police,
R6 - Kumaran Nagar Police Station,
Chennai - 600 083.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned XXIII Metropolitan Magistrate, Saidapet at Chennai to complete the trial in C.C.No.2206 of 2019 within the time stipulated by this Court.

For Petitioner : Mr. S.Sathish Rajan

For Respondent : Mr. E.Raj Thilak,
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the learned XXIII Metropolitan Magistrate, Saidapet at Chennai to complete the trial in C.C.No.2206 of 2019 within the time stipulated by this Court.

2. When the matter came up for hearing on 17.11.2021, the learned Government Advocate gave an undertaking to execute the Non Bailable Warrant, if not file a status report and this Court passed the following order:-

"The petitioner is the defacto complainant, who is aged about 76 years. The case is pending from the year 2019 before the XXIII Metropolitan Magistrate Court, Saidapet, Chennai. In this case, there are totally three accused. A2 and A3 appearing before the Lower Court, who are none other



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than the wife and son of A1 and all are residing in the same address. For the reason best known NBW kept pending and it is not executed.

2. The learned Government Advocate (Crl.Side) submits that in this case, A1 divorced A2 and A1 is living separately. A2 is residing with her son A3. A1's whereabouts is not known. He further submits that all earnest steps will be taken to execute the Non-Bailable Warrant, if not, the reason for not executing the Non-Bailable Warrant will be submitted by way of a report."

3. The learned Additional Public Prosecutor filed a counter affidavit stating that a detailed investigation was carried out and a final report has been filed. L.W.1 to L.W.8 were examined in this case. Admittedly, A1 is not available in the address, where A2 and A3 are residing. Now, steps have been taken against the sureties of A1 under Section 476 of Cr.P.C in Crl.M.P. No.10674 of 2021.

4. The learned counsel for the petitioner submits that A1 is deliberately avoiding to appear before the Lower Court and the bail granted to A1 shall be cancelled following the judgment of the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) AIR SCW 5560].

5. It is seen that the sureties are none other than the close relatives of A1 and hence, securing of A1 is possible. In view of the same, necessary action should be taken to secure the accused.

6. With the above direction, this Criminal Original Petition is disposed of.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

dna/skr
To

1. The XXIII Metropolitan Magistrate,
Saidapet,
Chennai.



2. The Sub - Inspector of Police,
R6 - Kumaran Nagar Police Station,
Chennai - 600 083.

3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.S.Sathish Rajan, Advocate Sr.61212

Crl.O.P.No.20837 of 2021

gpl[col]
srg 17/12/2021