



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.06.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.10772 of 2021

S.Krishnakumar

... Petitioner

Versus

The Inspector of Police,
Central Crime Branch,
Chennai.
(Crime No.494 of 2008).

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Special Court of Exclusive trial cases of CCB at Egmore to split up the case in CC.No.3318/2012.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondent : Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the learned Special Judge, Special Court of Exclusive trial cases of CCB, Egmore to split up the case in C.C.No.3318 of 2012.

2.The learned counsel for the petitioner submitted that in this case, the charge sheet was filed in the year 2012 and the case has been kept pending without any progress, since the co-accused/A2 is absconding and NBW is pending against him. The learned counsel for the petitioner relied upon the decision of this Court in the case of "D.Radha @ Radha Krishnan Versus Inspector of Police, Hasthampatty Police Station, Salem District reported in 2020 (1) MWN (Cr.) 445" and referred Rule 32 of the Criminal Rules of Practice, 2019. On 29.03.2021, the petitioner was appeared before the trial Court and NBW was recalled and he is appearing before the trial Court regularly due to the present pandemic situation, the case is periodically adjourned.

3.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner is the reason for pendency of the above case. In this case, the offence has been taken place in the year 2008 and charge sheet has been filed in the year 2012. For the past 9 years, the case is at the stage of trial. During trial, the petitioner



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failed to appear before the trial Court from the year 2012 onwards. The petitioner appeared before the trial Court on 11.06.2019 and 26.07.2019 and thereafter, he failed to appear before the trial Court and NBW issued against the petitioner and A2.

4.Considering the submissions and on perusal of the materials, this Court directs the petitioner to appear before the trial Court and file appropriate petition under the Criminal Rules of Practice, 2019. The trial Court is directed to consider the petition and split up the case against the absconding accused and proceed with the trial against the petitioner. Since the case is pending from the year 2012 and there are only 11 witnesses listed in the charge sheet, the trial Court to complete the trial within a period of six months from the date of receipt of a copy of this order and after normal functioning of Court below.

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

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vv2

To

- 1.The Special Court of Exclusive trial cases of CCB,
Egmore.
- 2.The Inspector of Police,
Central Crime Branch,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.10772 of 2021

RSV(CO)
GN(19/07/2021)