



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.2261 of 2021

Niyas Ahamed ... Petitioner/Accused No.1
Vs.

1.State rep. by
The Sub Inspector of Police,
Adhiramapattinam Police Station,
Tanjavur District.
Crime No.10 of 2011 ... Respondent No.1/Complainant

2.Anwar Ali ... Respondent No.2/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate, Pattukottai, to expedite the trial in C.C.No.77 of 2012.

For Petitioner : Mr.R.Karunanidhi

For 1st Respondent : Mr. A.Robinson
Government Advocate (Criminal Side)

ORDER

The present petition is filed by the petitioner who is the Accused No.1 in C.C.No.77 of 2012 pending on the file of the Judicial Magistrate Court, Pattukottai.

2.Mr.A.Robinson, learned Government Advocate (Criminal Side), who accepts notice on behalf of the first respondent, on instructions, would contend that the trial in C.C.No.77 of 2012 could not be completed because of non-appearance of the present accused.

3.A Perusal of 'B' diary extract shows that on several occasions, the present petitioner / Accused No.1 did not appear before the Judicial Magistrate Court, Pattukottai and therefore, Non-Bailable Warrant was issued against him. Though Non-Bailable Warrant was recalled on a petition filed by the present petitioner under Section 70(2) of the Code of Criminal Procedure, the other accused remained absent. It looks as though the accused are absconding by turn only to protract the proceedings In such



circumstances, the trial could not be completed.

4.However, considering the submissions made by the learned counsel for the petitioner, the first respondent is directed to secure the presence of the accused before the Magistrate and the learned Judicial Magistrate, Pattukottai, is directed to dispose of C.C.No.77 of 2012, as expeditiously as possible.

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

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Rm

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate Court,
Pattukottai,Thanjavur District.
2. The Sub Inspector of Police,
Adhiramapattinam Police Station,
Tanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Registrar(Judicial),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-5203[F] dated 15/02/2021)

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sss (CO)
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