



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

CrI.OP(MD)No.19287 of 2018 &
CrI.MP(MD)No.8678 of 2018

G.Nagaraj ... Petitioner/3rd Party/Defacto
Complainant

Vs.

1.State through
Sub Inspector of Police,
Taluk Police Station,
Dindigul.
(Crime No.450/2010) ... Respondent/Respondent/Complainant

2.Kalavathi
3.Ashok
4.Mangalraj ... Respondents/Petitioner/Accused 2,4 &5

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the order passed by the Judicial Magistrate No.I, Dindigul in Cr.MP.No.865/2018 in CC.No.408/2010 dated 20.06.2018 and to set aside the same as illegal.

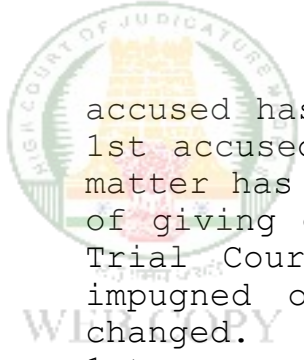
For Petitioner : Mr.C.M.Arumugam
For Respondents : Mr.R.Sivakumar,
Govt. Advocate (CrI. Side) for R1
Mr.N.Anantha Padmanaban
for M/s.APN Law Associates
for R3 and R4

ORDER

This petition is filed seeking order to set aside the order that has been passed by the Trial Court in Cr.MP.No.865/2018 in CC.No.408/2010 on 20.06.2018.

2. The learned counsel for the petitioner would submit that the first accused is the husband of the second accused and the third accused is a practicing Advocate in Dindigul and that when the accused persons were very much available, the case against them has been unnecessarily split up.

<https://hcservices.courts.govt.in/hcservices> 3. The learned Government Advocate would submit that, now, 3rd



accused has surrendered and warrant has been recalled. As far as, 1st accused is concerned, he is now available in India. Since the matter has been pending for more than 10 years, only for the purpose of giving quietus to the matter, they made a submission before the Trial Court to split up the case and based upon the same, the impugned order has been passed. Now, the entire position has changed. The 3rd accused surrendered and NBW was re-called. The 1st accused is also available in India. The respondent Police will secure the 1st accused and produce him before the Trial Court.

4. Already the 3rd accused surrendered and once the 1st accused is produced before the Trial Court, the Trial Court may club the matter and proceed in accordance with law. Since the matter is of the year 2010, there shall be a direction to the Judicial Magistrate No.I, Dindigul to expedite the trial process, by taking all effective steps and complete the same within a period of five months from the date of receipt of a copy of this order. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 No.I, Dindigul.

2.The Sub Inspector of Police,
Taluk Police Station,Dindigul

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

+1 CC to M/s.C.M. ARUMUGAM, Advocate (SR-36360[F] dated
29/11/2021)

Crl.O.P. (MD)No.19287 of 2018
29.11.2021

NSN(CO)

KB(20.12.2021) 2P 5C
<https://hcservices.ecourts.gov.in/hcservices>