



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Friday, the Twenty Third day of September Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon'ble Mr. Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD). No.9438 of 2022

Vengadesh
S/o. Annamalai
No.167/3 Thevar Street
Sirumalanji
(Thiruvankadanathapuram)
Ervadi Post
Naguneri Taluk
Tirunelveli District.

... Petitioner/Accused No.1

Vs

1 The Inspector of Police
Eruvadi Police Station
Tirunelvelil District.

...Respondent/Complainant

2 Esakkiraja

...2nd Respondent/Defacto Complainant

Prayer :-

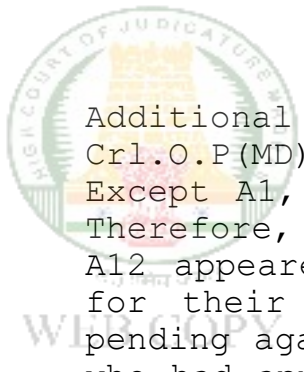
This Criminal Original Petition is filed Under Section 482 of Cr.P.C., To direct, directing the learned 2nd Additional District Court, Tirunelveli to dispose the case in SC.No.90 of 2020, within a stipulated period of time as fixed by this Honble Court.

ORDER:- This Criminal Original Petition coming on for orders on this day and upon perusing the earlier order of this court and letter in D.No. 1927/2022 dated 16.09.2022 received from II Additional District Judge, (PCR), Tirunelveli, seeking further three months time to dispose the case, and this Court made the following order:

This Court directed the learned II Additional District Judge, Tirunelveli, to dispose of the case in S.C.No.90 of 2020 within a period of three months from the date of receipt of a copy of the order passed in Crl.O.P(MD)No.9438 of 2022 on 19.05.2022.

2.The learned II Additional District Judge, Tirunelveli, had offered remarks regarding the pendency of the case and seeks time to dispose in the same. As per the remarks offered by the learned II

<https://www.myspace.in/judis>



Additional District Judge, Tirunelveli, a copy of the in Crl.O.P(MD).No.9438 of 2022 was received by him on 17.05.2022. Except A1, other accused persons are not present before the Court. Therefore, summons were issued. Subsequently, A1, A5 to A8, A10 to A12 appeared before the Court and NBW was issued against A2 to A4 for their absence before the trial Court. Till date, NBW was pending against A2 and A3. In the meantime, other accused persons, who had appeared before the Court, filed an application to split up the case as against A2 and A3. As per the report of the Investigating Officer, A2 and A3 are stated to be residing in North-India.

3.Considering the facts and circumstances of the case, the learned II Additional District Judge, Tirunelveli, is directed to split up the case against A2 and A3. The Investigating Officer is directed to take effective steps through the Court to declare the absconding accused/ A2 and A3, as proclaimed offenders and trace out them from North-India. As per the remarks offered by the learned II Additional District Judge, Tirunelveli, he can proceed with the trial against the accused, who are appearing before the Court. In due course of trial, if any of the accused is absconding, he can issue NBW and on execution of NBW, if the accused are produced, directed to remand and detain them, till the disposal of the case.

4.In view of the above, the learned II Additional District Judge, Tirunelveli is directed to dispose of the case in SC.No.90 of 2020, within a period of three months, from the date of receipt of a copy of this order. The prosecution is directed to file an appropriate application under Section 82 of the Code of Criminal Procedure, regarding the absconding accused.

Sd/-

Assistant Registrar (CS II)

// True Copy //

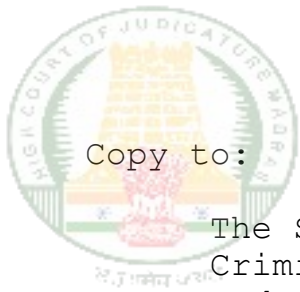
/10/2022

Sub Assistant Registrar(CS)

TO

1. The II Additional District Court,
Tirunelveli.
2. The Inspector of Police
Eruvadi Police Station Tirunelvelil
District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD).



22

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 23/09/2022

=====

ORDER

=====

CRL OP(MD) . No.9438 of 2022

Giving direction and etc.
as stated within.

SS/07/10/2022/ 3P 5C