



**Crl.O.P.(MD) No.18590 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 17.11.2022**

**CORAM**

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

**CRL.O.P (MD) No.18590 of 2022**

Xavier

...Petitioner

VS

The Inspector of Police  
District Crime Branch  
Trichy District

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Judicial Magistrate No.I, Trichy to dispose the case in CC. No. 456 of 2021 within the time stipulated by this Court.

For Petitioner : Mr.M.Pitchaimuthu

For Respondent : Mr.T.Senthil Kumar

Additional Public Prosecutor

**ORDER**

This Criminal Original Petition had been filed to direct the learned Judicial Magistrate No.I, Trichy to dispose the case in CC. No.456 of 2021 within the time stipulated by this Court.

2. The learned Additional Public Prosecutor would submit that the



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Respondent police was unable to serve summons to A1. The Respondent Police is directed to take appropriate action as per the reported ruling of the Hon'ble Supreme Court in the case of ***P.K.Shaji vs. State of Kerala*** reported in ***[(2005)AIR SCW 5560]***, by approaching the learned Magistrate and cancel the bail on arrest of the accused, who are absconding/evading the summons till date. The learned Judicial Magistrate shall detain them in prison and proceed with the trial so that the case can be disposed of within a reasonable time.

3. Considering the submission of the learned Additional Public Prosecutor, that A2 is abroad, the Inspector of Police, District Crime Branch through the office of the Superintendent of Police or Commissioner of Police, Trichy shall cause summons to A2 who is abroad, through the Indian Mission abroad.

4. Indians who are working or employed abroad are seeking passport are granted passport only after police verification through Superintendent of Police or Commissioner of Police. Therefore all the details are very much available with the Commissioner of Police or the Superintendent of Police. They can with the help of Ministry of External Affairs secure the accused. Also they are well within their rights to issue Look Out Notice also.



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5. In view of the same, the Criminal Original Petition is disposed of. On production of the accused the learned Judicial Magistrate is directed to cancel the bail granted to the accused if he is produced by the Police on warrant and detain him in prison till the case is disposed of.

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

17.11.2022

Internet: Yes./No

Index: Yes/no

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To

1. The Judicial Magistrate No.I, Trichy
2. The Inspector of Police  
District Crime Branch  
Trichy District
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**SATHI KUMAR SUKUMARA KURUP, J.**

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