



Crl.O.P.No.667 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.667 of 2023

P.Subramaniyan

... Petitioner

Vs.

State rep by
The Inspector of Police,
District Crime Branch,
Nagapattinam

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned Chief Judicial Magistrate I, Nagapattinam, to complete the trial in C.C.No.587 of 2021 pending on the file of the Chief Judicial Magistrate I, Nagapattinam within a specific time as this Hon'ble Court deem fit for the circumstance of the case.

For Petitioner : Mr.U.Kathiravan

For Respondent : Mr.S.Santhosh,
Government Advocate (Criminal side)



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ORDER

This Criminal Original Petition has been filed to direct the learned Chief Judicial Magistrate I, Nagapattinam, to complete the trial in C.C.No.587 of 2021 pending on the file of the Chief Judicial Magistrate I, Nagapattinam within a specific time as this Hon'ble Court deem fit for the circumstance of the case.

2. The learned counsel for the petitioner submitted that the case was registered for the offence under Sections 406 and 420 IPC. There are 9 accused and 18 witnesses in this case. Out of 9 accused, the appearance of 5th accused was dispensed with by this Court. Taking advantage of the order passed by this Court, A5 is not appearing either in person or through his counsel, which results in Court not being able to furnish the copies under Section 207 CrPC and thus the trial of the case is protracted.

3. The learned Government Advocate (Criminal side) submitted that A5 has not appeared before the trial Court either in person or through his counsel. Therefore, copies of the documents could not be furnished to A5. Other accused had been furnished with the copies under Section 207 CrPC. Now, the



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case is posted for furnishing copies to A5 on 20.01.2023.

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4. In view of the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal side), this Court directs the learned trial Judge to take appropriate action against A5, including issuance of non-bailable warrant against A5, if A5 is not appearing either in person or through counsel, despite the fact that his personal appearance is dispensed with by this Court and proceed further with the matter. The learned trial Judge is directed to take suitable steps for the disposal of the case as early as possible.

5. With these directions, this Criminal Original Petition is disposed of.

12.01.2023

nsa

To

The Judicial Magistrate,
Kallakurichi.



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G.CHANDRASEKHARAN,J.

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12.01.2023