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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.15129 of 2023

Selvakumar

Petitioner

vs.

1. State Rep by
The Inspector of Police,
Railway Police Station Virudhachalam (GRP)
Trichy District.
Crime No.211 of 2016.

2.Vengadanathan

3.Balu @ Kutta Balu

Silambarasan (Died

4.Vivek @ Vivek Kumar

5.Praveen

6.Rajamohammed

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned District Magistrate,



Ariyalur to expedite the Trial in SC.No.14 of 2022 on day to day basis as fixed by this Hon'ble Court.

For Petitioner : Mr.B.Mahendra Naidu

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal original petition has been filed for a direction to the Court below to expedite the Trial in SC No.14 of 2022 and to complete the same within the time frame stipulated by this Court.

2. The learned Additional Public Prosecutor on instructions submitted that there were totally five accused persons in this case and A3 died and as a result, the proceedings abated as against A3. Insofar as the other accused persons are concerned, A5 is absconding and a non-bailable warrant is pending against him from 23.06.2022. As a result, the Court below is not able to proceed further with the case.



3. The final report has been filed before the Court below against five accused persons for offence under Section 147, 148, 120(b), 332 and 307 IPC. There has been absolutely no progress in this case from the year 2022 onwards since one of the accused person is absconding. In view of the above, there shall be a direction to the Court below to insist for securing A5 pursuant to the non-bailable warrant issued against him. On production of A5, the Court below shall either secure a bond from A5 under Section 88 of Cr.PC and if A5 continues to abscond, the Court below shall exercise its jurisdiction as provided by the Hon'ble Apex Court in **[STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH] (JT 2001 (4) SC 3191)**. If ultimately A5 is not able to be secured within a reasonable time, the Court below shall split up the case and proceed further with the trial as against the other three accused persons.

4. The proceedings in SC No.14 of 2022 shall be completed by the Court within a period of six months from the date of receipt of a copy of this order.



5. This Criminal original petition is disposed of in the above terms.

07.07.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order
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To

1. The Inspector of Police,
Railway Police Station Virudhachalam (GRP)
Trichy District.

2. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,. J.
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