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Crl.O.P.No.17305 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17305 of 2023

Mohamed Rafiq

.. Petitioner

Vs.

Inspector of Police,
E-1 Singanallur Police Station,
Coimbatore.

.. Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Judicial Magistrate – III, Coimbatore to expedite trial in C.C.No.67 of 2022 before the Judicial Magistrate III, Coimbatore.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



CrI.O.P.No.17305 of 2023

ORDER

This petition has been filed for a direction to the learned Judicial Magistrate – III, Coimbatore to expedite trial in C.C.No.67 of 2022.

2. It is brought to the notice of this Court that there are totally five accused persons in this case. The learned Additional Public Prosecutor submitted that except A1, all other accused persons are appearing before the Court below and that the case is now at the stage of serving summon on A1.

3. It is seen from records that there has been absolutely no progress in this case for granting an order only on the ground that A1 is yet to be served with the summon. The learned counsel for the petitioner submitted that A1 is the accused in this case. If A1 is not able to be served with summon, the Court below cannot be waiting endlessly and if it is found that A1 is evading summon, non-bailable warrant must be issued to secure A1.

4. In view of the same, the Court below shall take immediate



Crl.O.P.No.17305 of 2023

steps to ensure that A1 is served with summon or non-bailable warrant shall be issued to secure his presence.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.67 of 2022 on the file of Judicial Magistrate III, Coimbatore, within a period of four months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petition is closed.

02.08.2023

Index : Yes/No
Speaking order: Yes/No



Crl.O.P.No.17305 of 2023

Neutral citation:Yes/No

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To

1. The Judicial Magistrate III, Coimbatore,
2. The Inspector of Police,
E-1 Singanallur Police Station,
Coimbatore.
3. The Public Prosecutor
High Court of Madras,
Madras.



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Crl.O.P.No.17305 of 2023

N.ANAND VENKATESH, J

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Crl.O.P.No.17305 of 2023

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