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CrI.O.P.No.25011 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.25011 of 2022

Arunraj

... Petitioner

Vs.

State Rep by,
Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.
(Crime No.38 of 2013).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the Sub Court, Mannargudi to split up the case and commit for trial expeditiously and fix the time frame as per the order passed in CrI.M.P.No.52 of 2017 dated 17.04.2017 in S.C.No.51 of 2014 pending on the file of the Sub Court, Mannarkudi.

For Petitioner : Mr.M.Govindaraju

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner/A6 in S.C.No.51 of 2014 has filed this Criminal Original Petition seeking for split up the case as regards absconding accused and commit the case for trial and fix a time frame to complete the



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trial within a stipulated period.

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2.Learned counsel for the petitioner submitted that the petitioner/A6 was charged along with five other accused and initially, he was alone appeared before the trial Court and the case was adjourned periodically for appearance of the other accused. Due to which, a report has been called for from the Subordinate Judge, Mannargudi, by order, dated 18.10.2022. The learned Subordinate Judge, Mannargudi sent a report, dated 03.11.2022 stating that the delay is for the reason that Non-Bailable Warrant has been pending against A1 & A2 from 13.06.2014, A3 & A4 from 01.09.2014 and A5 from 28.03.2016, thereafter, a petition for split up was filed by the petitioner/A6 and the same was allowed on 17.04.2017 and thereby, the case against A1 to A5 got split up in D.No.945, dated 25.05.2017. On 14.08.2018, A2 passed away and charge against him had abated, thereafter, A1 to A5 surrendered before the learned Subordinate Judge, Mannargudi and Non-Bailable Warrant was recalled and thereafter, A1, A5 & A6 were appearing before the Subordinate Court, Mannargudi. Hence, he prayed for appropriate direction of this Court.



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3.Learned Additional Public Prosecutor appearing for the respondent Police submitted that there are totally six accused, the case against A3 to A5 had been split up and S.C.No.111 of 2022 assigned. During trial, A2 passed away, as a result, the charge against him abated. As regards, A1, A5 & A6, after full-fledged trial in S.C.No.51 of 2014, the case against them ended in acquittal on 18.04.2023 and the copy of the judgment is produced before this Court.

4.In view of the above, the prayer sought for by the petitioner becomes infructuous. Hence, this Criminal Original Petition is liable to be closed and, is closed.

16.06.2023

Index: Yes/No
Internet: Yes/No
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To

1.The Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.
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