



CrI.O.P.(MD) No.17130 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.17130 of 2023

Ayubkhan

: Petitioner

Vs.

The State,

Rep. by Inspector of Police,

District Crime Branch,

Pudukkottai.

(Cr.No.61/2013)

: Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Judicial Magistrate No.II, Pudukkottai to expedite the case in C.C. No.550 of 2018 within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.SS.Madhavan

Government Advocate (CrI. side)

ORDER

This petition is filed seeking early disposal of C.C.No.550 of 2018, by stipulating specific time frame.



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2.It is submitted by the learned Counsel for the petitioner / Accused No.5 that originally the FIR has been in the year 2013 and final report was filed in the year 2015. Subsequently, the case has been transferred from Judicial Magistrate, Alangudi to Judicial Magistrate No.II, Pudukkottai and re-numbered as C.C.No.550 of 2018. Since then, the said case is pending without any progress, therefore, sought for suitable direction.

3.Learned Government Advocate [Crl. Side], who has got instructions from the respective police submitted that during the pendency of the proceedings Accused No.4 died. So far as Accused No.1 is concerned, Non-Bailable Warrants are pending and the police are not able to execute the same. In respect of Accused No.2, summons have been issued by the Court but they could not be served. Learned Government Advocate [Crl. Side] further submits that the whereabouts of Accused Nos. 1 & 2 is not known and therefore, police are making efforts to produce them.

4.Considering the submissions of the learned Counsels and on perusal of the record, except the petitioner and the Accused No.3, others are not able to attend the Court. The petitioner and Accused No.3 are stated to have been attending the Court regularly.



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5.In view of the above, this Criminal Original Petition is disposed of, directing the learned Judicial Magistrate No.II, Pudukkottai, to direct the police to see that summons and warrants are served on the Accused Nos.1 & 2. If there is no likelihood of serving summons and warrants against Accused Nos.1 & 2, the trial Court is directed to consider the case against the petitioner and Accused No.3, who are appearing before the trial Court and split up the case and dispose of the same. After splitting up the case, the trial Court is directed to expedite the trial and dispose of the same as quickly as possible.

26.09.2023

Speaking	: Yes / No
NCC	: Yes / No
Internet	: Yes / No
Index	: Yes / No
MR	



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To

1.The Inspector of Police,
District Crime Branch,
Pudukkottai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

MR

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