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CrI.O.P.No.13514 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.13514 of 2024

B.Rajendiran.

... Petitioner/Defacto Complainant

/versus/

The State Represented by,
The Station House Officer,
Muthailapet Police Station,
Puducherry.
(Crime No.46/2019)

...Respondent/Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the Learned Judicial Magistrate-II, Puducherry to number the Criminal Miscellaneous Petition filed under Section 16 of Extradition Act pending on the file of the Learned Judicial Magistrate-II, Puducherry and dispose the said petition as expeditiously as possible.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.M.V.Ramachandramurthy,
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed to direct the Learned Judicial Magistrate-II, Puducherry to number the Criminal Miscellaneous Petition filed under Section 16 of Extradition Act pending on the file of the Learned Judicial Magistrate-II, Puducherry and dispose the said petition as expeditiously as possible.

2. The petitioner herein, who is the defacto complainant in Crime No.46/2019 being aggrieved by inaction of the Judicial Magistrate, Puducherry, for not considering his application under Section 16 of Extradition Act is before this Court.

3. According to the petitioner, private complaint under Section 138 of N.I Act is pending on the file of Judicial Magistrate-II, Puducherry in S.T.C.No.613 of 2019. The accused person/A2 got absconded and therefore, application in Crl.M.P.No.1554 of 2016 was filed to declare A2 as a proclaimed offender. The Judicial Magistrate, Puducherry *vide* order dated 14.09.2017 issued the said proclamation as against the 2nd respondent and as a consequence, fresh case in C.C.No.226 of 2020 also been registered. While so,



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the petitioner herein who is the victim/defacto complainant has taken out an application under Section 16 of Extradition Act knowing that the proclaimed offender is presently in Canada working in British Airways therefore warrant is necessary for extradite him from Canada to India to face the trial and said process has to be accomplished through the Ministry of External Affairs.

4. According to the petitioner, the application which was filed in the year 2022 not taken up for consideration till date, and the matter been adjourned time to time.

5. On perusing the record, this Court find that the application filed by the petitioner herein under Section 16 of Extradition Act yet to be decided, though it is pending for more than two years. Hence, it is appropriate to direct the Judicial Magistrate-II, Puducherry to take up the application and pass orders in accordance with law, within a period of two months.

6. With this observation, this Criminal Original Petition is disposed of.

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Index : Yes/No.



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Neutral Citation : Yes/No.

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Dr.G.JAYACHANDRAN,J.

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Copy to:-

1. The Judicial Magistrate-II, Puducherry.
2. The Station House Officer, Muthailapet Police Station, Puducherry.
3. The Public Prosecutor, High Court, Puducherry.

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