



WEB COPY



CrI.O.P.No.17158 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.17158 of 2024

S.Sathya

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to direct the learned Judicial Magistrate No.III, Cuddalore to expedite the proceedings in PRC.No.08 of 2023.

For Petitioner : Mr.S.Kishore

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition is filed to direct the learned Judicial Magistrate No.III, Cuddalore to expedite the proceedings in PRC.No.08 of 2023.



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2. The petitioner is the defacto complainant. The final report been filed against Vanitha, Velmurugan and Sankar for offence punishable under Section 302 IPC r/w 120 b IPC. The crime registered on 10.10.2022 in FIR No.659 of 2022 culminated in filing of the final report on 28.02.2023 and taken on file by the Judicial Magistrate in P.R.C.No.08 of 2023 on 13.03.2023. Though more than one year and 4 months have lapsed, the Judicial Magistrate No.III, Cuddalore has not committed the matter to the Court of Sessions, since the offence is exclusively triable by the Sessions Judge.

3. The learned Government Advocate (CrI.Side) appearing for the respondent police submits that due to abscondance of the 3rd accused Sankar, summons could not be served on him. To serve papers under Section 207 Cr.P.C., and commit the accused to the Court of Sessions and that is the cause for delay in not committing the matter.

4. If the respondent police is unable to secure the 3rd accused, necessary application to be filed before the Judicial Magistrate to split up the case and commit the matter to the Sessions Court as against the secured persons and split up the case against the absconding accused.



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Further, necessary action to be taken against the absconding accused by
issuing NBW/proclamation as deem fit.

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

23.07.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Judicial Magistrate No.III, Cuddalore.

2.The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

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