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Crl.O.P.No.32688 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.32688 of 2024

and

Crl.M.P.No.18597 of 2024

1. R.Akilan

2. Diwakar

... Petitioners

Vs

1. The State Represented by
The Inspector of Police,
S-7-Madipakkam Police Station,
Chennai.
(Crime No.263/2009)

2. Sudhakaran

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS Act, pleaded to call for the records pertaining to the case registered in Final Report in C.C. No.446/2023 on the file of the Judicial Magistrate-II, Alandur and quash the same as illegal so far as the petitioners are concerned.



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For Petitioner : Mr.V.Ramamurthi for
Mr.K.Hemanathan

For Respondent 1 : Mr.S.Sugendran,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the final report in C.C. No.446/2023 on the file of the Judicial Magistrate-II, Alandur and to quash the same as illegal in so far as the petitioners are concerned.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the 1st respondent and perused the materials available on record.

3. This Court vide order dated 07.01.2025, directed the learned Judicial Magistrate No.II, Alandur to file a report stating the progress of the case.



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4. On a perusal of the report of the learned Judicial Magistrate, it is seen that the NBW issued in respect of the accused persons have been recalled on filing of surrender and warrant recall petitions one after the other. Further, due to non-appearance of the petitioners and other accused persons and pendency of NBW against some of the accused, the trial cannot be proceeded. Hence, the respondent-Police is directed to execute the NBW on the accused concerned and produce them before the trial court within a period of 10 days. On such production of the accused and if the petitioners/accused are not cooperating for trial, the trial court is directed to cancel their bail and put them in jail custody. If any of the accused is not produced before the trial court by the respondent Police within the stipulated time, the trial court is directed to split up the case as against the accused concerned and conduct the trial with regard to other accused persons. Further, the trial court is directed to expedite the trial on day-to-day basis and dispose of the matter within a period of three months.



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5. With the abovesaid direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

23.01.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.II, Alandur.
2. The Inspector of Police,
S-7-Madipakkam Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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