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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-10-2026

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

CRL OP(MD) No. 24697 of 2026

CNR:{HCMD011513382026}

1. Anbazhagan

2. Rajasekaran … Petitioners/
Accused Nos.4 and 5

Vs

The State of Tamilnadu
Represented by
The Inspector of Police,
CSCID Police Station,
Kuzhithurai at Nagercoil,
Kanyakumari District.

..Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District to dispose of the case in C.C.No.849 of 2022 within a stipulated time that may be fixed by this Court deem fit.

For Petitioners :M/s V.Balaji Rajaram

For Respondent :Mr. B.Arun,
Government Advocate (Crl.Side)

ORDER

The present petition has been filed by A4 and A5 in C.C.No.849 of 2022 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District, seeking expeditious disposal of the said case.

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2. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that summons could not be served to A2, since he is in abroad.

3. The learned counsel appearing for the petitioners pointed out that the FIR is of the year 2014 and final report has been filed in the year 2022 and so far, service has not been completed upon the accused persons. He further submitted that except A2, all other accused persons are regularly appearing before the Court and this causes inconvenience to them.

4. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

5. As contemplated under Rule 29(11) of Criminal Rules of Practice 2019, the respondent police is directed to file an affidavit with regard to the steps taken by them to secure the second accused. If the Court is satisfied from the affidavit that the accused could not be secured in the near future, the trial Court is directed to split up the trial in so far as the second accused is concerned by following the procedure as

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contemplated under Section 317(2) r/w Rule 37 (5) of Criminal Rules of Practice, 2019. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the trial shall be concluded within a period of six months.

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

30-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

EBSI
To

1. The Judicial Magistrate No.III,
   Nagercoil,
   Kanyakumari District.

2. The Inspector Of Police
   CSCID Police Station
   Kuzhithurai At Nagercoil
   Kanyakumari District

3. The Additional Public Prosecutor
   Madurai Bench of Madras High Court
   Madurai

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R.VIJAYAKUMAR, J.

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