



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.12.2013

CORAM:

THE HONOURABLE MRS.JUSTICE ARUNA JAGADEESAN

Crl.R.C.(MD).No.864 of 2013

Sithique ... Petitioner/Accused

-Vs-.

State rep. by
the Inspector of Police,
Vadakadu Police Station
Vadakadu P.S
Cr.No.304 of 2005. ... Respondent/Complainant

Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C against the order passed in Cr.M.P.No.6108 of 2013 in C.C.No.181 of 2006 dated 05.12.2013 on the file of the learned Judicial Magistrate, Alangudi.

For Petitioner :Mr.K.N.Govardhanan
For Respondent :Mrs.S.Prabha
Govt. Advocate (Crl.Side)

O R D E R

This Criminal Revision Case is filed against the order passed by the learned Judicial Magistrate, Alangudi dated 05.12.2013 in Cr.M.P.No.6108 of 2013 in C.C.No.181 of 2006, declining to recall the warrant, issued against the petitioner/accused.

2.The learned Magistrate, after considering the entire facts and circumstances of the case, dismissed the petition on the ground that the petitioner has not shown any reasonable cause for his absence and remained absent in spite of the matter being posted for trial, which resulted in issuance of non-bailable warrant.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side).

4.The learned Government Advocate (Crl.Side) would submit that the case is posted for trial and prosecution witnesses are to be examined. Since the accused remained absent from 18.11.2013 without any reason, non-bailable warrant was issued.

5.Taking into consideration the fact that the case is pending for trial, I am of the view that non-bailable warrant can be recalled on stringent conditions.



6. In the result, this Criminal Revision Case is allowed and the order passed by the learned Judicial Magistrate, Alangudi in Cr.M.P.No.6108 of 2013 in C.C.No.181 of 2006 is set aside. The petitioner is directed to surrender before the learned Judicial Magistrate, Alangudi on 02.01.2014. On such surrender, the learned Judicial Magistrate, Alangudi is directed to recall the warrant. The petitioner shall appear before the learned Magistrate daily at 10.30 a.m and he should also appear for all the hearings and co-operate with the Court for speedy disposal of the trial, till the disposal of the case. Consequently, connected M.P.(md).No.1 of 2013 is closed. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Alangudi.
2. Do thro' The Chief Judicial Magistrate, Pudukkottai District
3. The Inspector of Police,
Vadakadu Police Station
Vadakadu P.S.
4. The Additional Public Prosecutor,
Madurai bench of Madras High Court,
Madurai.

+1cc to Mr.K.N.Govardhanan Advocate, Sr.No. 63443
vs
AA/20.12.2013/ 2p- 6c/

**Cr1.R.C. (MD) .No.864 of 2013
19.12.2013**