

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No. 13437 of 2015

1. Varadjaraj
2. Kolandayee
3. Thangaraj
4. Ganageswari
5. Thangammal

... Petitioners/A1,A2,A5 to A7

Vs

Periyannan

... Respondent/Complainant.

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Judicial Magistrate No.I, Namakkal, to dispose of the application in C.M.P.No.5020 of 2015, dated 18.5.2015 in C.C.No.84 of 2015 filed under Section 70(2) of Cr.P.C. without insisting for physical presence of the petitioners and notice to the complainant by allowing this criminal original petition.

For Petitioner :Mr.C.Nagamani

ORDER

The petitioners seek a direction to direct the learned Judicial Magistrate No.I, Namakkal, to dispose of the application in C.M.P.No.5020 of 2015, dated 18.5.2015 in C.C.No.84 of 2015 filed under Section 72 of Cr.P.C. without insisting for physical presence of the petitioners and notice to the complainant by allowing this criminal original petition.

2.Heard the learned counsel for the petitioners and perused the material placed on record.

3. A private complaint was lodged by one Periyannan before the learned Judicial Magistrate No.I, Namakkal against these petitioners for the alleged offences under sections 147, 148, 294(b), 420, 468 and 506(ii) IPC and the learned Judicial Magistrate No.I, Namakkal, took the same on file in C.C.84 of 2015 and issued summons to the petitioners for their appearance. It is stated that the petitioners did not receive the summons and when the matter was

reported to the trial court, the trial court has issued bailable warrant for securing the presence of these petitioners.

4. The petitioners filed a petition in C.M.P.No.5020 of 2015 to recall the bailable warrant that was issued on 24.04.2015 without insisting on the physical presence of the petitioners. The learned Magistrate ordered notice in C.M.P.5020 of 2015 on the complainant. The learned advocate appearing for the complainant did not receive the court notice on the ground that he had given change of vakalat. Hence the present petition.

5. Under such circumstances, this court is of the view that it will be in the interest of justice, if a direction is given to the petitioners to appear before the learned Judicial Magistrate No.I, Namakkal, within a period of one week from the date of receipt of a copy of this order and submit a bond under section 88 Cr.P.C. with common sureties and on such appearance the bailable warrant shall be recalled.

6. With the above direction, this petition is closed.
mrp/vrc

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.1,
Namakkal.

+ 1 cc to M/s.C.Nagamani, Advocate SR 26797

msm(co)
prk15/6

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