

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.11.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1198 of 2015

K.V.Muthusamy
S/o.Velappa Gounder

.. Petitioner

vs.

The State represented by its
Inspector of Police,
Sathyamangalam Police Station,
Erode District.
Crime No.802 of 2003

.. Respondent

Criminal Revision filed under section 397 and 401 Cr.P.C.
against the order of learned Judicial Magistrate,
Sathyamangalam, passed in C.C.No.82 of 2008 on 28.10.2015.

For Petitioner : Mr.N.Manokaran
For Respondent : Mr.C.Iyyapparaj,
Government Advocate [Crl.side]

O R D E R

This revision is preferred against the order of learned
Judicial Magistrate, Sathyamangalam, passed in C.C.No.82 of 2008
on 28.10.2015.

2. Learned counsel for petitioner submits that a petition
u/s.70(2) Cr.P.C. has been moved by petitioner towards recall of
non-bailable warrant issued against him by learned Judicial
Magistrate, Sathyamangalam, on 15.09.2015. Such petition stands
dismissed for the sole reason that petitioner had not appeared
before the Court below in person whilst moving such petition.
Learned counsel contends that the matter has been pending trial
from 2008, that the petitioner regularly has been appearing
before the Court below, that his absence was not willful and the
same was occasioned owing to his having taken ill on the
particular date. Submitting as above, learned counsel prays that
the order under challenge may be set aside.

3. Heard learned Government Advocate [Crl.side] on the above
submissions.

4. Considering the rival submissions, this Court allows this revision. The order of learned Judicial Magistrate, Sathyamangalam, passed in C.C.No.82 of 2008 on 28.10.2015, is set aside. Petitioner shall now be permitted to move afresh a petition u/s.70(2) Cr.P.C. towards recall of non-bailable warrant issued against him. The same shall be considered and disposed of by the Court below on the same day and in accordance with law.

gm

-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Sathyamangalam
2. The Inspector of Police,
Sathyamangalam Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.N.Manokaran, Advocate SR 63141

ad(co)
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