

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1361 of 2015

and

M.P.No.1 of 2015

Andivel

S/o.Palaniswamy

..Petitioner

Vs.

The State

through Inspector of Police,

EOW-II,

Coimbatore.

Crime No.59 of 2013

..Respondent

Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code against the order of learned Special Judge (TNPID Act, 1997 cases), Coimbatore, passed in unnumbered Crl.M.P.. of 2015 in C.C.No.16 of 2014 on 17.12.2015.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.C.Iyyapparaj

Government Advocate [Crl.side]

O R D E R

This revision challenges the return of a petition seeking recall of non-bailable warrant issued by learned Special Judge (TNPID cases), Coimbatore, for the reason that the petitioner has not been before it.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

3. In decision of this Court in Valampuri John v. Peter @ Peter James [1997 (2) MWN (Cri) 196] it has been informed that when an application has been filed to recall of warrant it must be considered and disposed of and the same should not be merely dismissed on the ground that the accused is not present in Court.

This revision shall stand allowed. The order of learned Special Judge (TNPID Act cases) passed in unnumbered CrI.M.P...of 2015 in C.C.No.16 of 2014 on 17.12.2015, shall stand set aside. The Court below is now required to take the petition for surrender on file, consider the same on merits and pass orders in accordance with law, without insisting upon the presence of the petitioner before it. Consequently, connected miscellaneous petition is closed.

gm

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub-Assistant Registrar

To

1. The Special Judge (TNPID cases),
Coimbatore.
2. The Inspector of Police,
E.O.W.No.II, Coimbatore
3. The Public Prosecutor,
High Court, Madras

+1 C.C. To MR.V.Raghavachari, Advocate in SR.NO.69307

CrI.R.C.No.1361 of 2015

LRS (CO)

sd : 23/12/2015

सत्यमेव जयते

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