

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2015

Coram

THE HONOURABLE Mr. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 645 of 2015

Suresh @ Sureshkumar

...Petitioner/Accused

Versus

1. The Inspector of Police,  
Molasi Police Station,  
Namakkal District.

2. The Deputy Superintendent of Police,  
Thiruchengode,  
Namakkal District.

...Respondent/Complainant

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. to set aside the order passed by the learned Principal District Judge, Namakkal on 23.03.2015 in S.C.No.16 of 2011.

For Petitioner : Mr. G.Mohanakrishnan

For Respondents : Mr.V.Arul, GA

सत्यमेव जयते  
ORDER

The petitioner has come up with the present petition to set aside the order passed by the learned Principal District Judge, Namakkal on 23.03.2015 in S.C.No.16 of 2011.

2. The relevant facts leading to disposal of this Criminal Revision is thus:

A complaint has been lodged by the defacto complainant against the petitioner/accused on the ground that the petitioner along with others formed an unlawful assembly and attacked her husband and abused her in filthy language. In view of the same, a case in Crime No.55 of 2010 has been registered against the accused persons for offences under Sections 147, 148, 324, 506(ii) of IPC and Sections 3

(1) (x) of the SC/ST Act. In the meanwhile, petitioner filed CrI.O.P.No.560 of 2011 to quash the proceedings pending along with stay petition and also filed a petition seeking dispense with his personal appearance. This Court vide order dated 31.01.2011, had dispensed with the personal appearance of the petitioner. Subsequently, the case has been transferred to the file of the learned Principal Sessions Judge, Namakkal, in S.C.No.16 of 2011 and an NBW came to be issued against the petitioner/accused on 23.03.2015 and the same is pending.

3.The only ground raised in the grounds of revision is that inspite of the order of this Court dispensing the personal appearance of the accused/petitioner herein, the court below has issued NBW which is erroneous.

4. Today when the matter is taken up, the learned counsel for the petitioner submitted that subsequent to the issuance of the NBW, the petitioner has also surrendered before the court below today (i.e.) on 06.07.2015.

5. Admittedly, this Court by order dated 30.01.2011 had dispensed with the personal appearance of the petitioner. But the Court below without taking into consideration the same, had issued NBW against the petitioner. Since it is represented that the petitioner had surrendered before the court below subsequent to the issuance of the NBW, the court below is directed to consider the bail application of the petitioner today itself and pass orders on merits, taking into consideration the order dated 31.01.2011 passed by this Court.

With the above observation, this Criminal Revision Petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

सत्यमेव जयते

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Sub Assistant Registrar

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To

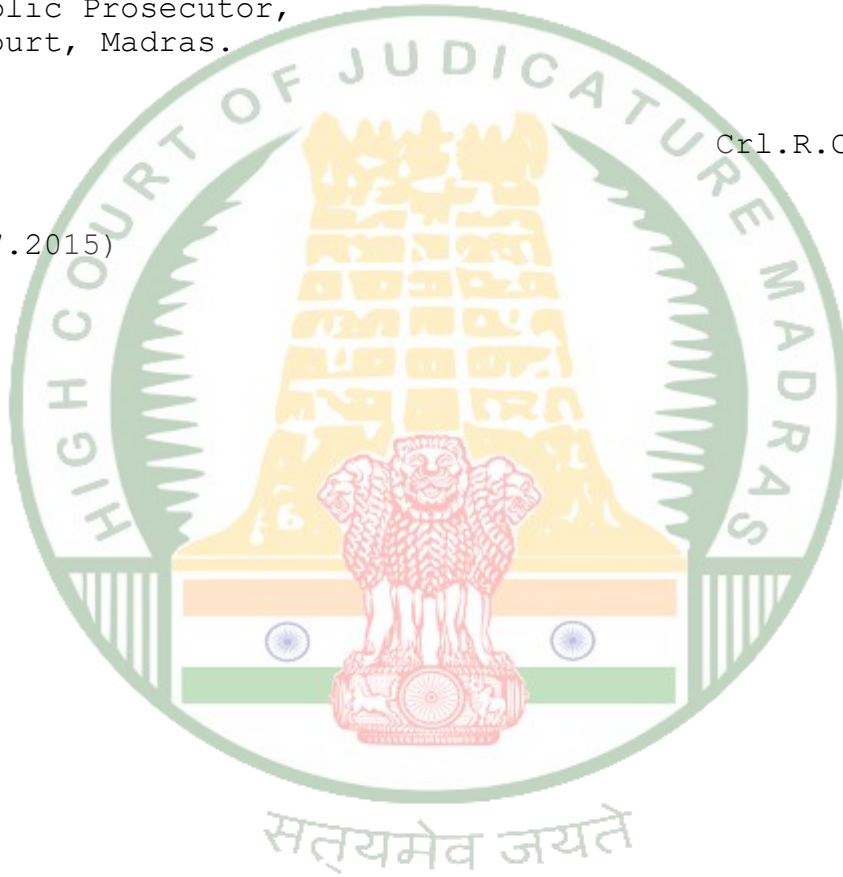
1. The Principal Sessions Judge,  
Namakkal.
2. The Judicial Magistrate,  
Thiruchengodu,  
Namakkal.

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3. -Do- Through The Chief Judicial Magistrate,  
Namakkal.
4. The Inspector of Police,  
Molasi Police Station,  
Namakkal District.
5. The Deputy Superintendent of Police,  
Thiruchengode,  
Namakkal District.
6. The Public Prosecutor,  
High Court, Madras.

Cr1.R.C.No. 645 of 2015

GJ (CO)  
PSI (06.07.2015)



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