

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.18798 of 2015

N.Vijayaraj

..

Petitioner

Vs

State rep.by

1.The Inspector of Police,
J-1, Saidapet Police Station,
Chennai - 600 015
(S.T.C.No.516/2014)

2.E.Athikesavan

..

Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the Judicial Magistrate, Fast Track Court, Ambattur to recall the non bailable warrant issued on 08.04.2015 on filing the petition under section 70(ii) of Cr.P.C pending trial in S.T.C.No.516 of 2014 on his file on the same day.

For Petitioner

:Mr.G.Arun

For Respondents

:Mr.C.Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to direct the learned Judicial Magistrate, Fast Track Court, Ambattur to recall the petition of non bailable warrant issued on 08.04.2015, pending trial in S.T.C.No.516 of 2014, on the file of Fast Track Court, Ambattur on the same day.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. It is seen that this petitioner is facing prosecution for an offence under Section 138 r/w 142 of Negotiable Instrument Act in S.T.C.No.516 of 2014, before the learned Judicial Magistrate, Fast Track Court, Ambattur.

4. On 08.04.2015, the petitioner did not appear before the Trial Court and no application under Section 317 Cr.P.C., was filed for his absence, on account of which the Trial Court appears to have issued non-bailable warrant against the petitioner.

5. An offence under Section 138 of Negotiable Instrument Act is a bailable offence and therefore the petitioner is directed to

forthwith surrender before the learned Judicial Magistrate and file an application for recall of warrant.

6.The petitioner shall also give a bond for Rs.10,000/- under Section 88 Cr.P.C. with two sureties undertaking to appear before the learned Judicial Magistrate, Fast Track Court, Ambattur, regularly in all future dates and on such being furnished, the learned Judicial Magistrate may consider the application of the petitioner and pass orders in accordance with law.

7. With the above direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

ds

To

- 1.The Inspector of Police,
J-1, Saidapet Police Station,
Chennai - 600 015
 2. The Public Prosecutor
High Court, Madras.
 - 3.The Judicial Magistrate, Fast Track Court, Ambattur.
- 1 cc to Mr..G.Arun , Advocate Sr.No.38338

Cr1.OP No.18798 of 2015

rsk(Co)
pmk.13.8.2015

सत्यमेव जयते

WEB COPY