

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.7.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.19076 of 2015

S.Murugesan

... Petitioner/Accused

Vs

1. State Rep. By
The Inspector of Police,
Annathanampatti Police Station,
Salem.

2. K.K.Thangavel ... Respondent/Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Judicial Magistrate V Salem to consider and recall the warrant application of petitioner on the same day in C.C. 598/03.

For Petitioner : Mr.S.Sathasivam

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed to direct the learned Judicial Magistrate V Salem to consider and recall the warrant application of petitioner on the same day in C.C. 598/03.

2. It is seen that the petitioner is facing a prosecution for an offence under Section 138 of Negotiable Instruments Act in C.C. No.598 of 2003 in respect of which it is alleged that a non bailable warrant is pending.

3. This Court in 2011 1 LW (crl), Pg.513 (S.Kannan Vs. State) has held that in an offence under Section 138 of Negotiable Instruments Act, NBW cannot be issued.

4. Under such circumstances, the petitioner is directed to surrender before the trial Court within two weeks from the date of receipt of a copy of this order and submit a bond under Section 88 Cr.P.C for Rs.10,000/- (Rupees Ten Thousand only) with two sureties

to the satisfaction of the Magistrate and file an application for recall of warrant.

5. With the above observation, this petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

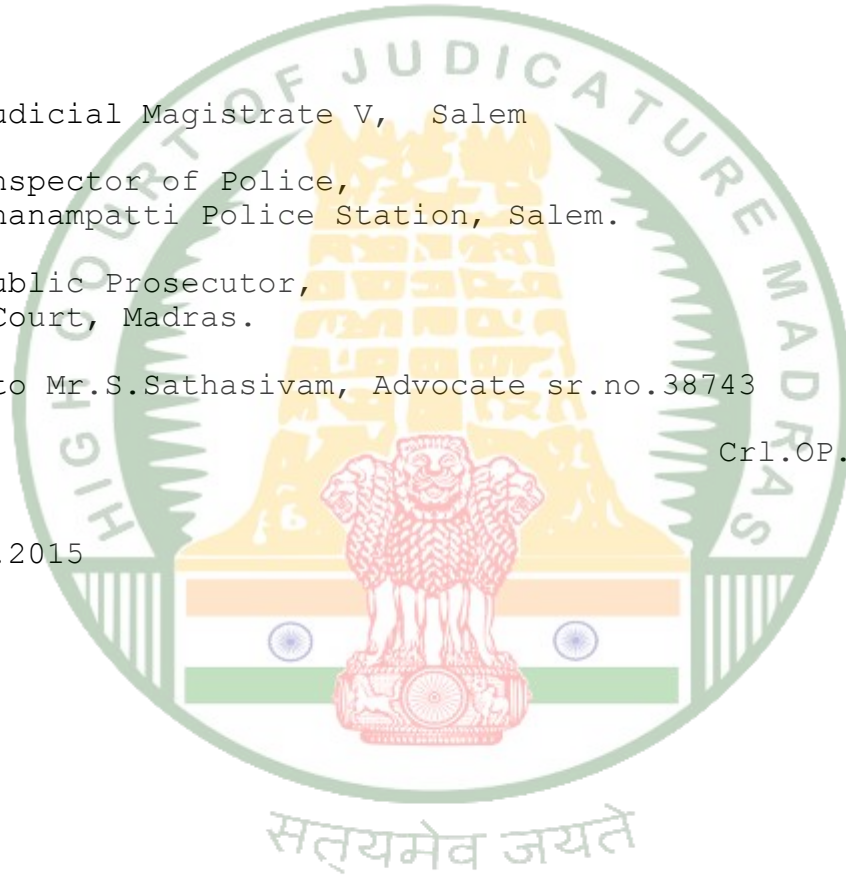
To

1. The Judicial Magistrate V, Salem
2. The Inspector of Police,
Annathanampatti Police Station, Salem.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Sathasivam, Advocate sr.no.38743

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msm[co]
srg 04.08.2015



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