

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE R.S.RAMANATHAN

Crl.O.P.No.2312 of 2015

S.Senthilkumar,
S/o.Sivasamy Gounder,
No.2/38, Kodangipalayam,
Thamaraikulam, Kinathukadavu,
CoimbatorePetitioner
vs.

The State, rep by
The Inspector of Police
Kinathukadavu Police Station,
CoimbatoreRespondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to set aside the order passed by the Honble Mahila Court at Coimbatore on 09.01.2015 in the C.M.P.No.9 of 2015 in S.C.No.158/2013 on the file of the Honble Mahila Court, Coimbatore.

For Petitioner : Mr.Kingsly Solomon for
M/s.Corner Stone Associates

For Respondent : Mr.M. Maharaja
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

The petitioner is the accused in S.C.No.158 of 2013 on the file of the Mahila Court, Coimbatore. He has filed a Petition in C.M.P.No.9 of 2015 to recall the Non-bailable Warrant issued against him. As the said Petition was dismissed by the learned Mahila Judge, Coimbatore, by order, dated 09.01.2015, the present Criminal Original Petition is filed, to set aside the said order.

2. It is submitted by the learned counsel appearing for the petitioner that the petitioner is prepared to co-operate with the trial before the learned Mahila Judge, Coimbatore, and the petitioner would also produce the defense witnesses to be examined on his side on the next hearing date, and would examine them on the same date,

and he will not seek any further adjournments.

3. The learned Additional Public Prosecutor for the respondent/Police submitted that, as per the order, questioning under Section 313 Cr.P.C was over, and the petitioner has not filed any list of witnesses and he is only interested in procrastinating the trial, and therefore, C.M.P.No.9 of 2015 was dismissed by the Trial Court.

4. Heard both sides.

5. Considering the submissions of the learned counsel for the petitioner that he has already filed list of witnesses before the Trial Court and also undertook to examine the witnesses on the next hearing date, this Criminal Original Petition is allowed and the order passed by the learned Mahila Judge, Coimbatore in C.M.P.No.9 of 2015, dated 09.01.2015 is set aside on condition of the petitioner shall produce all the defense witness to be examined on his side on the same date.

6. As it is submitted that next hearing date is on 07.04.2015, the petitioner is directed to produce all the defense witness on 07.04.2015 before the learned Mahila Judge, Coimbatore, and examine them on the date itself, and on production of defense witnesses and examining them on that date, the learned Mahila Judge, Coimbatore is directed to recall the NBW and pass further orders in accordance with law.

7. In the result, the Criminal Original Petition is allowed, as stated above, on the above terms.

Sd/-

Asst. Registrar

/true copy/ सत्यमेव जयते

Sub Asst. Registrar.

sd/srn

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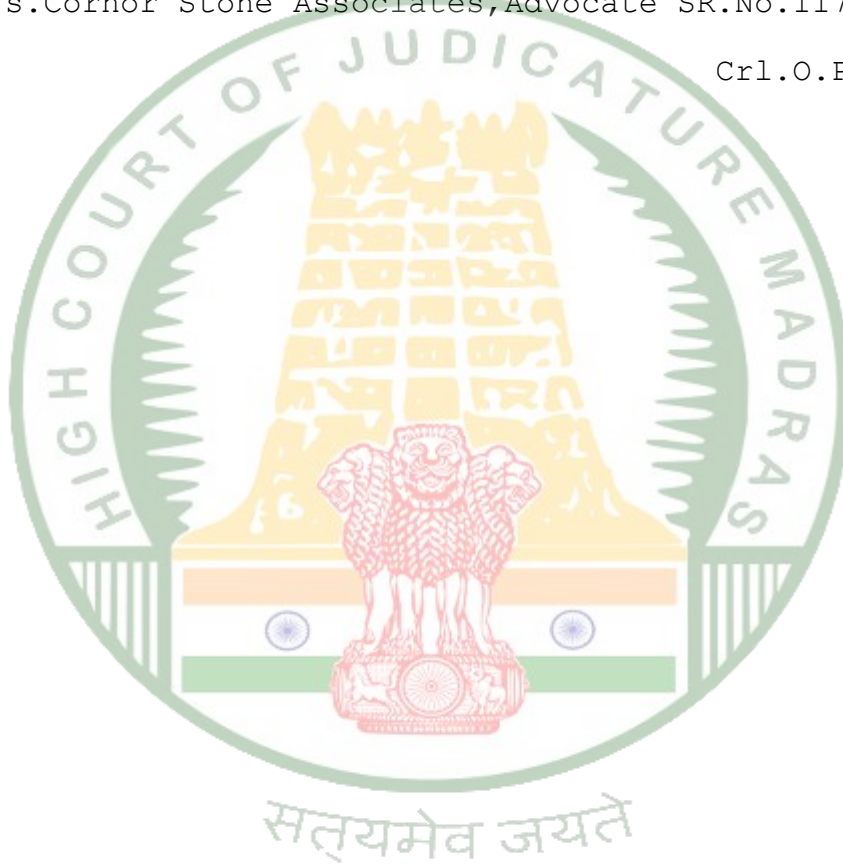
To

1. The Inspector of Police
Kinathukadavu Police Station,
Coimbatore.
2. The Mahila Court, Coimbatore.
3. Public Prosecutor
High Court, Madras.

+1cc to M/s.Cornor Stone Associates, Advocate SR.No.11729

Cr1.O.P.No.2312 of 2015

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