

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.26407 of 2015

N.Srinivasan

... Petitioner

Vs.,

1.M/s.Pinky & Co.,

rep. by its Manager & Power Agent,  
Mr.M.Saravanan, S/o.Mr.Murugan,  
Prakash Presidium 'B' Wing, 5<sup>th</sup> Floor,  
No.110, M.G.Road, Nungambakkam,  
Chennai-600 034.

... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the Fast Tract Court-II, Metropolitan Magistrate at Egmore to consider the recall petition of the petitioner on his surrender in C.C.No.3176 of 2012 and to recall the warrant issued against the petitioner/accused on the same day.

For Petitioner : Mr.R.Bakayaraj

For Respondents: Mr.C.Emalias, APP (For R1)  
Mr.K.Mahalingam (For intervener)

ORDER

This criminal original petition has been filed seeking to direct the learned Metropolitan Magistrate at Egmore, (FTC-II), to consider the petition to recall the non-bailable warrant issued against him on 01.07.2015 in C.C.No.3176 of 2012.

2.The petitioner is the accused in C.C.No.3176 of 2012 pending on the file of the learned Metropolitan Magistrate, Egmore (FTC-II), for the offence punishable under Section 138 of Negotiable Instruments Act. Since the petitioner did not appear before the Trial Court on 01.07.2015, non-bailable warrant has been issued against the petitioner.

3.The learned Additional Public Prosecutor submitted that petitioner being an accused in C.C.No.3176 of 2012 pending on the

file of the learned Metropolitan Magistrate, Egmore (FTC-II), did not appear before the said Court and hence, non-bailable warrant was issued as against the petitioner.

4.The learned counsel for the intervener vehemently opposed the present petition stating that the petitioner is unnecessary dragging the proceedings.

5.Learned counsel for the petitioner submits that the petitioner will regularly appear before the trial Court and he will operate with the trial.

6.Taking note of the said submissions on either side, the petitioner is directed to appear before the trial court within a period of two weeks from the date of receipt of a copy of this order by filing an application under Section 70(2) Cr.P.C to recall the warrant and also by filing an affidavit before the concerned court to the effect that he will appear before the said court on all the hearing dates without fail and in the event of filing such an application, the learned Magistrate is directed to consider the same on the same day, on merits and in accordance with law. The Trial Court is directed to complete the trial as early as possible.

With the above direction, this criminal original petition is disposed of.

Sd/-  
Asst.Registrar (CS IV )

/true copy/

Sub Asst. Registrar

ssv

Copy to

The Metropolitan Magistrate, FTC-II,  
Egmore, Chennai.

1 cc to Mr.K.Mahalingam, Advocate, Sr. 64831

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RV (CO)  
kk 4/1