

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27366 of 2015

Rajarathinam

.. Petitioner/Accused

..vs..

1. A.Xavier ..Respondent/Complainant

2. The Inspector of Police,
Magudanchavady Police Station,
Salem District. ..Respondents/Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., seeking to direct the Judicial Magistrate No.III, Salem to consider the petition filed under Section 70(2) Cr.P.C. to cancel the bailable warrant issued on 31.10.2014 in C.C.No.241 of 2013 on the file of the Judicial Magistrate No.III, Salem, Salem District, on his surrender, on the same day.

For Petitioner : Mr.B.Vasudevan

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner seeks a direction to the Judicial Magistrate-III, Salem to consider the petition filed under Section 70(2) Cr.P.C. to cancel the bailable warrant issued on 31.10.2014 in C.C.No.241 of 2013 on the file of the Judicial Magistrate No.III, Salem, Salem District, on his surrender, on the same day.

2. The petitioner is an accused for an offence punishable under Section 138 of the Negotiable Instruments Act.

3. Heard both sides.

4. The learned counsel for the petitioner submits that since the petitioner had not appeared before the Lower Court,

non-bailable warrant has been issued against the petitioner.

5. Considering the submissions made, this Court feels that this is a fit case to recall the non-bailable warrant issued by the Lower Court and accordingly, the petitioner is directed to appear in person to file a petition under Section 70 (2) of Cr.P.C. for recalling the Non-Bailable Warrant before the learned Magistrate and in the event of filing such an application, the learned Judicial Magistrate-III, Salem is directed to consider the same and pass orders on merits on the same day and in accordance with law.

With the above direction, this Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To :

1. The Inspector of Police,
Magudanchavady Police Station,
Salem District.
2. The Public Prosecutor
High Court of Madras,
Chennai.

3. The Judicial Magistrate III
Salem

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