

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.27519 of 2015

R.Rajarathinam

... Petitioner

Vs.,

1.A.Xavier,

Proprietor of Rabeeth Advertising Agencies,
Rep. by its Manager/Power Agent,
364/103-C, Narayanapillai Street,
Peramanur, Salem-636 007.

2.The Inspect of Police,
Magudanchavadi Police Station,
Salem District.

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the learned Judicial Magistrate No.III, Salem to consider the petition filed under section 70(2) of Cr.P.C, to recall the bailable warrant issued on 20.02.2015 in C.C.No.178 of 2013, on his surrender, on the same day for offence under Section 138 of Negotiable Instruments Act.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.C.Emalias, APP (For R2)

ORDER

This criminal original petition has been filed seeking to direct the learned Judicial Magistrate No.III, Salem to consider the petition to be filed by the petitioner under Section 70(2) of Cr.P.C, to recall the bailable warrant issued against him.

2.The petitioner is the accused in C.C.No.178 of 2013 pending on the file of the learned Judicial Magistrate No.III, Salem, for the offence punishable under Section 138 of Negotiable Instruments Act. Since the petitioner did not appear before the Trial Court on 20.02.2015, bailable warrant has been issued against the petitioner.

3.The learned Additional Public Prosecutor submitted that petitioner being an accused in C.C.No.178 of 2013 pending on the file of the learned Judicial Magistrate No.III, Salem, did not appear before the said Court and hence, bailable warrant was issued as against the petitioner.

4.Learned counsel for the petitioner submits that the petitioner is ready and willing to co-operate with the trial.

5.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 re-call 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.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssv

Copy to

1.The Judicial Magistrate No.III,
Salem.

2.The Inspect of Police,
Magudanchavadi Police Station,
Salem District.

3.The Public Prosecutor
High Court, Madras

+1cc to M/S.B.Vasudevan, Advocate Sr.20496 [23/11/2015]

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