

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

CrI.O.P.No.28593 of 2015

P.Gangatharan

... Petitioner (Accused)

Vs.,

1.State rep. by
The Inspector of Police,
Nettapakkam Police Station,
Pondicherry-605 106.

2.D.Suresh Respondents (Complainant)

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the learned Judicial Magistrate No.III, Cuddalore, to consider the petition to recall the non-bailable warrant issued against the petitioner on 04.09.2015 in S.T.C.No.140 of 2012.

For Petitioner : Mr.Sounder Vijai Arul Ram

For Respondents : Mr.V.Balamurugan, APP (Pondichery)
(For R1)

* * * * *

ORDER

This criminal original petition has been filed seeking to direct the learned Judicial Magistrate No.III, Cuddalore to consider the petition to recall the non-bailable warrant issued against him on 04.09.2015 in S.T.C.No.140 of 2012.

2.The petitioner is the accused in S.T.C.No.140 of 2012 pending on the file of the learned Judicial Magistrate No.III, Cuddalore, for the offence punishable under Section 138 of Negotiable Instruments Act. Since the petitioner did not appear before the Trial Court on 04.09.2015, 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.140 of 2012 pending on the file of the learned Judicial Magistrate No.III, Cuddalore, did not appear before the said Court and hence, non-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, on merits 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

ssv

Copy to_

1.The Judicial Magistrate No.III,
Cuddalore

2.-do-Thro The Chief Judicial Magistrate,
Cuddalore

3.The Inspect of Police,
Nettapakkam Police Station,
Pondicherry-605 106.

4.The Public Prosecutor Pondicherry
High Court Madras-104

+1 cc to Mr.M.Sounder Vijay ArulRam Advocate sr.64590

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