

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.Nos.29619 and 29620 of 2015

R.Varatharajan ... Petitioner in both Crl.O.Ps

Vs

The State

Rep by the Sub Inspector of Police,

Malli Karai Police Station,

Attur Taluk, Salem District ... Respondent in both Crl.O.Ps

Criminal Original Petitions filed under Section 482 Cr.P.C. prayed to pass an order of direction, directing the learned Judicial Magistrate(FTC) Judicial Magistrate level, Attur-Salem District to consider and liberty of the petitioner on very same day of appearance in connection with NBW issued in S.T.C.Nos.49 of 2014 and 1 of 2014 respectively.

For Petitioner

in both Crl.O.Ps : Mr.P.Ganapathy

For respondent

: Mr.C.Emalias,
in both Crl.O.Ps Addl.Public Prosecutor

C O M M O N O R D E R

The petitioner, alleging that he has been falsely implicated by the respondent for the alleged offence punishable under Section 138 of Negotiable Instruments Act, seeks a direction to the learned Judicial Magistrate(FTC), Judicial Magistrate level, Attur-Salem District, to consider the application to recall the warrant on the same day on surrender of the petitioner with respect of S.T.C.Nos.49 of 2014 and 1 of 2014 respectively.

2. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

3. Considering the submissions made 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 in respect of S.T.C.Nos.49 of 2014 and 1 of 2014 respectively 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, learned Judicial Magistrate(FTC), Judicial Magistrate level, Attur-Salem District is directed to consider the same on the same day on merits and pass appropriate orders.

4. The criminal original petition is disposed of accordingly.

srn

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate(FTC),
Judicial Magistrate level, Attur-Salem District
2. The Sub Inspector of Police,
Malli Karai Police Station,
Attur Taluk, Salem District
3. The Public Prosecutor,
High Court, Madras.

+ 2 ccs to M/s.P.Ganapathy, Advocate SR 67444 & 67445

rsk(co)

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सत्यमेव जयते

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29620 of 2015

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