



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.01.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

CRL.O.P.(MD)No.1217 of 2015

P.Senthil Kumar

.. Petitioner

.. Vs ..

The Food Inspector,
Kovilpatti Municipality,
Kovilpatti,
Thoothukudi District.

.. Respondent

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to direct the learned Judicial Magistrate No.I, Kovilpatti to recall the Non-Bailable Warrant issued against the petitioner in C.C.No.135 of 2009, dated 12.09.2013 and also to consider the petition to be filed by the petitioner to suspend the sentence imposed upon him.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.K.V.Rajarajan

Government Advocate(Crl. Side)

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ORDER

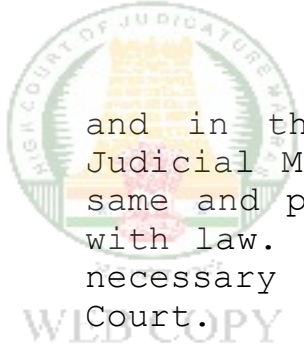
This petition has been filed under Section 482 Cr.P.C., praying to direct the learned Judicial Magistrate No.I, Kovilpatti to recall the Non-Bailable Warrant issued against the petitioner in C.C.No.135 of 2009, dated 12.09.2013 and also to consider the petition to be filed by the petitioner to suspend the sentence imposed upon him.

2.Heard the learned counsel for the petitioner and also the learned Government Advocate(Crl. Side) for the respondent.

3. 2.The petitioner is accused for offences punishable under Sections 16(1)(a)(i) and 7 II r/w S.2(ix)(k) of Prevention of Food Adulteration, Act, 1954 and contravention of R.32 F and 50(1) of Food Adulteration Rules, 1955.

3.The learned counsel for the petitioner submits that non-bailable warrant has been issued against the petitioner since he had not appeared before the lower Court.

4.Considering the submissions made, this Court directs the petitioner 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 No.I, Kovilpatti, is directed to consider the same and pass orders on merits on the same day and in accordance with law. It may be noted that for such purpose, it will not be necessary for the petitioner to appear in person before the lower Court.

5.With the above direction, the petition is disposed of. The petitioner shall avail of the opportunity provided under this order within a period of two weeks from the date of receipt thereof and thereafter seek suspension of sentence.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate No.I ,
Kovilpatti.

2.The Food Inspector,
Kovilpatti Municipality,
Kovilpatti,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai.

+One cc to M/s.G.Thalaimutharasu, Advocate, SR.No.4449

pm

RL/5 c- 11/2/2015

CRL.O.P. (MD) No.1217 of 2015

30.01.2015