



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 29.07.2015
CORAM**THE HONOURABLE MR. JUSTICE M.M. SUNDRESH**

WEB COPY

Crl.O.P(MD).No.14602 of 2015 & M.P(MD)No.1 of 2015

Sankar ..Petitioner/1st Accused

-Vs.

Gandhi ...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to set aside the order passed by the learned Judicial Magistrate, Padmanabhapuram, in C.C.No.86 of 2014 dated 08.05.2015.

For Petitioner : Mr.K.P.Narayanakumar

O R D E R

This petition has been filed under Section 482 Cr.P.C, to set aside the order passed by the learned Judicial Magistrate, Padmanabhapuram, in C.C.No.86 of 2014 dated 08.05.2015.

2. The learned Counsel appearing for the petitioner submits that even before service of summons, the non-bailable warrant has been issued against the petitioner. He further submits that the procedures as contemplated under Section 70 Cr.P.C by which summons will have to be issued for Bailable Warrant and Non Bailable Warrant, have not been followed. He further submits that the petitioner would co-operate with the trial by appearing in the next hearing.

3. Considering the above facts and circumstances, the order passed by the learned Judicial Magistrate, Padmanabhapuram in C.C.No.86 of 2014 dated 08.05.2015 is set aside and the Criminal Original Petition is allowed. It is made clear that the petitioner shall appear before the Court concerned for the next hearing without fail.

4. With the above direction, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

gsr

To

The learned Judicial Magistrate, Padmanabhapuram.

+1CC to Mr.K.P.Narayana Kumar Advocate SR.No.42430