



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P. (MD) No.14818 of 2015

Nagaraj @ Soapu

... Petitioner

Vs.

State through the Inspector of Police,
Avaniyapuram Police Station, Madurai.
(In Crime No.717 of 2012)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned Additional District Judge No.V, Madurai to consider the warrant recall application of the petitioner on the same day of surrender in S.C.No.361 of 2014 on the file of the learned Additional District Judge No.V, Madurai.

For Petitioner : Mr.T.Saravanapandiyan

For Respondent : Mr.K.Anbarasan
Government Advocate (Crl.side)

O R D E R

The petitioner has arrayed as an accused for the alleged offences under Sections 147,148,341,342, 307 and 302 of IPC and 3(a),4(a) & 4(b), 5 and 6 of Explosive Substances Act 1908 and 3(i) & 4 of Tamilnadu Property Prevention of Damage and Loss Act 1992 r/w 149,109,114, 120 (b) of IPC, in Crime No.717 of 2012 on the respondent police and in S.C.No.361 of 2014 on the file of the learned Additional District Judge No.V, Madurai, has come forward to file this petition, seeking direction to the learned Additional District Judge No.V, Madurai to consider the warrant recall petition on the very same day of his surrender.

2. The learned Government Advocate (Crl.Side) would submit that a non-bailable warrant is also pending against the petitioner in S.C.No.361 of 2014, on the file of the Additional District Judge No.V, Madurai.

3. The learned counsel for the petitioner submitted that due to unavoidable circumstances, the petitioner could not appear before the court. He also submitted that non bailable warrant has been issued admittedly without following the procedure. A further submission has been by the learned counsel for the petitioner that the petitioner would certainly co-operate with the trial.

1. The submissions made by Mr.T.Saravanapandiyan, learned counsel for the petitioner and by Mr.K.Anbarasan, learned Government Advocate (Crl. Side) representing the respondent were heard. The materials available on record were also perused.



5. Considering the same, this Court directs the learned Additional District Judge No.V, Madurai to consider the non-bailable warrant recall petition to be filed by the petitioner on merits and pass appropriate order on the very same day of his surrender.

6.The petition is ordered accordingly.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Additional District & Sessions Judge. No.V, Madurai.

2.The Inspector of Police, Avaniyapuram Police Station, Madurai.

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

+1cc to M/S.T.Saravana Pandian, Advocate in SR.No 42913

RG/14.08.2015/2P - 5C AMF/SAR -I

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