



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Cr1.O.P(MD)No.22040 of 2015

Saravanan

: Petitioner/A3

Vs.

State rep. By
The Inspector of Police,
Kallal Police Station,
Sivagangai District
(CrimeNo.66 of 2007)

: Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the learned Sessions Judge cum PCR Court, Sivagangai to accept the surrender of the petitioner and consider the petition to recall the warrant on the same day in S.C.NO.28 of 2010 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.M.Sanjay

For Respondent : Mr.A.P.Balasubramani

Government Advocate (Cr1.Side)

ORDER

The petitioner, who apprehends arrest for the offences punishable under Sections 294(b), 341, 427, 506(ii) IPC., r/w Section 3(1)(x) of SC/ST Act, in Crime No.66 of 2007, on the file of the respondent police, moved this petition seeking a direction to the learned Sessions Judge cum PCR Court, Sivagangai to accept the surrender of the petitioner and consider the petition to recall the warrant on the same day in S.C.NO.28 of 2010.

2. Heard both sides and perused the records.

3. It is seen that the offences complained of, other than the offence under the Special enactment, may not be serious in nature and require pre-arrest or pre-arrest detention in jail, even before considering the bail application.



4. Normally, this Court would direct the concerned Court to consider the bail application on the same day. However, a perusal of the affidavit would show that there is no reference as to whether the recall petition has already been filed or not. Therefore, the Sessions Judge cum (PCR) Court, Sivagangai, is directed to consider the recall warrant application of the petitioner, if any filed, purely on the basis of merits and in accordance with law in respect of S.C.No.28 of 2010.

5. Accordingly, this Criminal Original Petition is ordered.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1.The Sessions Judge cum PCR Court,
Sivagangai

2.The Inspector of Police,
Kallal Police Station,
Sivagangai District

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

+1cc to Mr.S.M.Sanjay, Advocate Sr.No.66765

akm/27.11.15 /2p-5c/

Order made in
Cr1.O.P(MD)No.22040 of 2015
Dated:- **23.11.2015**