



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2015

CORAM :

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CRL.OP (MD) No.4736 of 2015

Sivanarulselvi

... Petitioner

vs.

State rep. by
The Inspector of Police,
Palani Town Police Station,
Dindigul District.

...Respondent

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to issue a direction, directing the Fast Track Judge at Magistrate Level(Judicial Magistrate Court), Palani to consider the petitioner's application to recall the Non-Bailable Warrant issued against her in S.T.C.No.167 of 2013 on the same day of surrender.

For Petitioner : Mr.T.Leninkumar
For Respondent : Mr.K.V.Rajarajan,
Government Advocate (Crl. Side)

O R D E R

This petition has been filed under Section 482 Cr.P.C., praying for a direction to the Fast Track Judge at Magistrate Level(Judicial Magistrate Court), Palani to consider the petitioner's application to recall the Non-Bailable Warrant issued against her in S.T.C.No.167 of 2013 on the same day of surrender.

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

3. It is submitted by on behalf of the petitioner that as against the judgment of conviction in the case in tried in S.T.C.No.167 of 2013 for offence under Section 138 of Negotiable Instruments Act, the petitioner preferred an appeal before the Principal District Judge, Dindigul and notice in the petition seeking condonation of delay in preferring the appeal has been issued. Under such circumstances, Non-Bailable stands issued against the petitioner.



4.Considering the submissions made, this Court feels that this is a fit case for recall of the non-bailable warrant issued by the lower Court and accordingly, the petitioners are directed 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 Fast Track Judge at Magistrate Level(Judicial Magistrate Court), Palani, is directed to consider the same and pass orders on merits on the same day and in accordance with law.

With the above direction, the petition is disposed of.

Sd/-

Assistant Registrar(C.O.,)

/True Copy/

Sub-Assistant Registrar

To

1.The Fast Track Judge at Magistrate Level
(Judicial Magistrate Court), Palani.

2.The Inspector of Police, Palani Town Police Station,
Dindigul District.

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

+1cc to Mr.T.Lenin Kumar, Advocate, in SR. No.13623.

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