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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P(MD)Nos.6243 to 6245 of 2015

Rajendran

... Petitioner/Respondent
(In three petitions)

Vs.

1.Sumathi
2.Minor Nithya
(Represented through her
mother guardian i.e.1st
respondent herein)

3.State through
The Inspector of Police,
Palanichettipatti Police Station,
Theni District.

...Respondents/Petitioners
(In three petitions)

Prayer(In three petitions):Criminal Original Petitions filed under Section 482 of Cr.P.C to pass an order directing the Chief Judicial Magistrate, Theni to consider the recall warrant petition filed under Section 70(2) to recall NBW issued in Cr.M.P. Nos.100,101 and 102 of 2006 in M.C.No.10 of 1991 on his file on the same day and to pass orders thereupon.

For Petitioners : Mr.P.Krishnasamy

For R3 : Mr.K.Anbarasan
Government Advocate

C O M M O N O R D E R

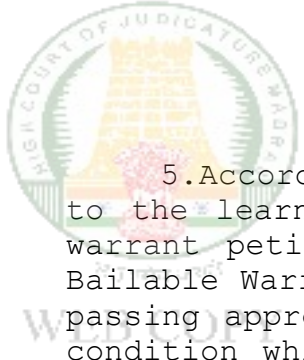
The petitions have been filed under Section 482 of Cr.P.C seeking a direction to the Chief Judicial Magistrate, Theni, to consider the recall warrant petitions filed under Section 70(2) to recall NBW issued in Cr.M.P.Nos.100, 101 and 102 of 2006 in M.C.No.10 of 1991 on his file on the same day and to pass orders thereupon.

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

3.The learned counsel for the petitioner undertakes that the petitioner would co-operate with the conduct of the case. The petitioner may be given an opportunity to appear before the court and conduct the trial.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Though the petitioner has been absent for quite some time, this Court is of the view that it is better to allow the petitioner to attend the trial since it has been kept pending for quite number of years.



5. Accordingly, the petitions shall stand ordered with the direction to the learned Chief Judicial Magistrate, Theni, to consider the recall warrant petitions to be filed under Section 70(2) Cr.P.C. to recall Non Bailable Warrant issued against the petitioner on the very same day. While passing appropriate orders, it is open for the trial court to impose any condition which deserves to secure continued attendance of the petitioner for all hearings. The petitioner shall file petitions under Section 70(2) Cr.P.C and make his appearance before the court.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To,
1.The Inspector of Police,
Palanichettipatti Police Station,Theni District.

2.The Chief Judicial Magistrate, Theni.

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

+1cc to M/S.P.KRISHNASAMY, Advocate in SR.No. 18363

TS/21.04.2015/2P-5C

Cr1.O.P.Nos.6243 to 6245 of 2015

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