



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

CRL.O.P(MD)No.6567 of 2015

WEB COPY

G.Sentru @ Nagarajan

... Petitioner

Vs.

State rep. By The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
Crime No.301 of 2012

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, 1908 praying to call for records of the order in Cr.M.P.No.82 of 2015 in S.C.No.68 of 2013, dated 26.03.2015 passed by the learned Mahila Judge/Fast Track Court, Ramanathapuram District and set aside the same as illegal and consequently, direct the trial Court to re-call the Non-Bailable Warrant, dated 09.02.2015 on the same day in the event of the petitioner's filing an application under Section 70(2) of the Code of Criminal Procedure, 1908 in absentia and pass orders on the same day and pass such further or other orders.

For Petitioner : Mr.C.Arul Vadivel @ Sekar

For Respondent : Mrs.S.Prabha
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to call for records of the order in Cr.M.P.No.82 of 2015 in S.C.No.68 of 2013, dated 26.03.2015 passed by the learned Mahila Judge/Fast Track Court, Ramanathapuram District and set aside the same as illegal and consequently, direct the trial Court to re-call the Non-Bailable Warrant, dated 09.02.2015 on the same day in the event of the petitioner's filing an application under Section 70(2) of the Code of Criminal Procedure, 1908 in absentia and pass orders on the same day.

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

3. The learned counsel appearing for the petitioner submitted that only for one hearing, the petitioner did not appear and he has also given reasons for the same. He would further submit that in future hearings, the petitioner will appear.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner is not residing in the said address.

5. Considering the submissions made, this Court is inclined to set aside the order in Cr.M.P.No.82 of 2015 in S.C.No.68 of 2013, dated 26.03.2015 for the sole reason that the trial will have to go on and this Court also taking into consideration the fact that only one hearing, the petitioner did not appear.



6. Accordingly, the order, dated 26.03.2015 in Cr.M.P.No.82 of 2015 in S.C.No.68 of 2013 passed by the learned Mahila Judge/Fast Track Court, Ramanathapuram District is set aside and the Criminal Original Petition is allowed subject to the condition that the petitioner shall produce the relevant address proof and execute a bond to the satisfaction of the trial Court. It is also made clear that the petitioner shall co-operate with the trial and appear before the trial Court for all future hearings.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Sessions Judge, Magalir Neethimandam(Fast Track Mahila Court),
Ramanathapuram.
- 2.The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.Arulvadivel @ Sekar, Advocate, SR.No.19223

CRL.O.P (MD) No.6567 of 2015
16.04.2015

ps

PA/24.04.2015/2P/5C