



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2015

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WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P.(MD)No.8037 of 2015

1.Madasamy
2.Dinesh

... Petitioners

Vs.

The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District,
In Crime No.33 of 2010.

... Respondent

Prayer: Petition filed under Section 482 of Cr.P.C. praying to call for the records in Crl.M.P.No.686 of 2015 in Special Sessions Case No.145 of 2010 on the file of the learned Principal District Sessions Court (PCR Court), Ramanathapuram and set aside the same consequently to recall the Non Bailable Warrant pending against the petitioner dated 25.06.2014 in S.C.No.145 of 2010 by accepting the petition filed under Section 70(2) of Cr.P.C. and pass orders.

For Petitioner : Mr.M.Veilkaniraju

For Respondents : Mr.K.Anbarasan

Government Advocate (Crl. Side)

O R D E R

This petition has been filed under Section 482 of Cr.P.C. seeking to set aside the order in Crl.M.P.No.686 of 2015 passed in Special Sessions Case No.145 of 2010 on the file of the learned Principal District Sessions Court (PCR Court), Ramanathapuram and consequently to recall the Non Bailable Warrant pending against the petitioner by accepting the petition filed under Section 70(2) of Cr.P.C.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the state.

3. It appears that the petitioner was absent for one hearing. Thus, Non Bailable Warrant was issued. Thereafter, the matter was adjourned for number of occasions. In pursuant to the direction of the learned Principal District Sessions Court, an application to recall Non Bailable Warrant was taken up and the same was dismissed. Hence, the present petition is filed.



4. In the matter of procedure, a court has to issue summons followed by Bailable Warrant other than Non Bailable Warrant. As the petitioner was said to be present for only one hearing, the learned Government Advocate (Crl. Side) submitted that there are no summons in the case serving against the petitioner. The learned counsel for the petitioner submitted that the petitioner is willing to co-operate with the hearing fixed on 12.06.2015. Considering the above, the order passed in Crl.M.P.No.686 of 2015 in Special Sessions Case No.145 of 2010 on the file of the learned Principal District Sessions Court (PCR Court), Ramanathapuram is set aside.

5. The petitioner is directed to appear before the said Court on 12.06.2015 and it is open to the petitioner to appear for further hearing by extending co-operation.

6. Accordingly, this Criminal Original Petition is allowed with the above directions.

Sd/-

Assistant Registrar(Per.Admn)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Principal District and Sessions Judge,
PCR Court, Ramanathapuram
- 2.The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai

+One cc to Mr.M.Veilkaniraju, Advocate, SR.No.22463

pjl

RL/5 c- 11/5/2015

Crl.O.P. (MD) .No.8037 of 2015

27.04.2015