



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

CrI.O.P. (MD) No.8115 of 2015

K.Marimuthu

... Petitioner/Accused No.3

Vs.

The State
Represented by
The Sub-Inspector of Police,
District Crime Branch,
Madurai District.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate No.1, Madurai to consider recall warrant application of the petitioner on the same day on merits in the event of his surrender in connection with C.C.No.117/2014 on the file of the respondent.

For Petitioner : Mr.V.Subramanian

For Respondents : Mr.K.Anbarasan
Government Advocate (CrI.side)

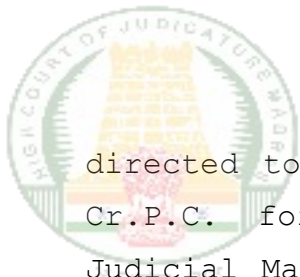
O R D E R

This Criminal Original Petition has been filed for a direction to the learned Judicial Magistrate No.1, Madurai to consider recall warrant application of the petitioner on the same day on merits in the event of his surrender in connection with C.C.No.117/2014 on the file of the respondent.

2. The learned counsel for the petitioner submits that non-bailable warrant has been issued against the petitioner since he had not appeared before the lower Court.

3. It is further submitted that taking note of the fact that the petitioner is working as SSB in Indian Army at Srinagar and considering the relevant facts, this petition may be allowed.

4. Considering the submissions made, this Court feels that it is a fit case to issue appropriate directions. Accordingly, the petitioner is



directed to appear in person to file a petition under Section 70(2) of Cr.P.C. for recalling the Non-Bailable Warrant before the learned Judicial Magistrate and in the event of filing such an application, the learned Judicial Magistrate No.I, Madurai is directed to consider the same and pass orders on merits on the same day and in accordance with law. Taking into consideration of the fact that the petitioner is working at Srinagar, the petitioner has been given further period of one month time from the date of receipt of a copy of this order to appear before the court below.

Sd/-
Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.1,
Madurai.

2.Do-Thro' The Chief Judicial Magistrate,
Madurai.

3.The Sub-Inspector of Police,
District Crime Branch,
Madurai District.

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

+1cc to Mr.V.Subramanian, Advocate, SR.No.22705

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pjl

PA/20.05.2015/2P/6C