



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.06.2015
CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Crl.O.P. (MD) No.8859 of 2015

WEB COPY

Covai Balu alias Balakrishnan ... Petitioner/Accused No.1
Vs.

State Represented by the
Inspector of Police,
District Crime Branch,
Sivagangai, (In Crime No.2 of 2003) ... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the learned Principal and Sessions Judge, Sivagangai to consider the recall warrant petition filed by the petitioner in C.A.No.31 of 2013 on the same day of his surrender and pass appropriate order as this Court thinks fit.

For Petitioner	: Mr.S.M.A.Jinnah
For Respondent	: Mr.K.Anbarasan
	Govt. Advocate (Crl.side)
For Intervenor	: Mr.A.Mohan

O R D E R

This petition has been filed seeking a direction to the learned Principal and Sessions Judge, Sivagangai to consider the recall warrant petition filed by the petitioner in C.A.No.31 of 2013 on the same day of his surrender.

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

3. Admittedly, the appeal in C.A.No.31 of 2013 is pending. The learned counsel for the petitioner submitted that the petitioner could not appear before the court since he was suffering from illness. He would further submit that the defacto complainant's son is a lawyer and if the petitioner appeared before the court, he would have lead to an unavoidable situation.



4.The learned counsel for the intervenor/defacto complainant submitted that the petitioner deliberately disobeyed the order passed.

5.Considering the facts and circumstances of the case, more particularly, the matter is pending on an appeal, this Court is inclined to allow this petition. The petitioner is directed to surrender before the Court concerned within a period of three weeks from the date of receipt of copy of this order. On such appearance, the learned Principal and Sessions Judge, Sivagangai, is directed to consider the recall warrant petition filed by the petitioner on the same day. Accordingly, this petition is ordered as prayed for.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Inspector of Police,District Crime Branch,Sivagangai,
- 2.The Principal and Sessions Judge, Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.S.M.A.Jinnah,Advocate, SR.No.26642

+1cc to Mr.A.Mohan,Advocate, SR.No.26598

CRL.O.P.No.8859 of 2015
15.04.2015

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