

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.15426 of 2016

J.Anbazhagan  
(Member of Tamil Nadu State  
Legislative Assembly Chepauk -  
Triplicane Constituency)  
S/o.Jayaraman  
No.11/3, Mahalakshmi Street,  
T.Nagar, Chennai - 600 017. ....Petitioner

Vs.

The State rep.by  
Inspector of Police  
Crime Branch CID  
Tiruppur. .... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to direct the Hon'ble Chief Judicial Magistrate, Thiruppur to consider the Re-call the Non-Bailable Warrant issued in C.C.No.81 of 2015 dated 13.07.2016 filed by the Petitioner.

For Petitioner : Mr.N.Jothi  
for M/s.V.Manoharan  
For Respondent : Mr.C. Emalias  
Addl. Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a direction to the Hon'ble Chief Judicial Magistrate, Thiruppur to consider the Re-calling of the Non-Bailable Warrant issued in C.C.No.81 of 2015 dated 13.07.2016.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The petitioner was arrested in Crime No.22 of 2011 during the investigation and released on bail. Thereafter, the respondent police completed the investigation and filed a final report in C.C.No.81 of 2015 before the Chief Judicial Magistrate, Tiruppur, in which, this petitioner has been shown as accused No.5.

4. According to the petitioner, he was away from India from 09.07.2016 to 13.07.2016 and in his absence, he had instructed his counsel to file an application under Section 317 Cr.P.C before the trial Court in C.C.No.81 of 2015. On 13.07.2016, the learned counsel appearing for the petitioner appears to have filed an application under Section 317 Cr.P.C. Since he had not worn an advocate coat, the trial Court rightly rejected the application and issued warrant for apprehending the petitioner.

5. The Hon'ble Supreme Court in Harish Uppal [Ex.Capt.] Vs Union of India reported in [2003] 2 SCC 45, has clearly stated that boycott of Courts is illegal and therefore, every Court in this country has to follow the dictum of the Hon'ble Supreme Court and not be a party to the boycott of Courts by lawyers as that would amount to contempt of the law laid down by the Hon'ble Supreme Court. However, the petitioner is a member of Legislative Assembly and his identity is not in dispute. The petitioner apprehends that he belongs to opposition party and therefore, the police would execute the warrant with great alacrity. The petitioner is a sitting MLA and the Budget Session has commenced today. In the facts and circumstances of the present case, the Non-Bailable Warrant issued against the petitioner by the trial Court is stayed with a further direction that the petitioner shall surrender before the Learned Chief Judicial Magistrate, Tiruppur in C.C.No.81 of 2015 on or before 29.07.2016 for the purpose of recalling the warrant.

With the above directions, the criminal original petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sms

To

1. The Inspector of Police  
Crime Branch CID  
Tiruppur.

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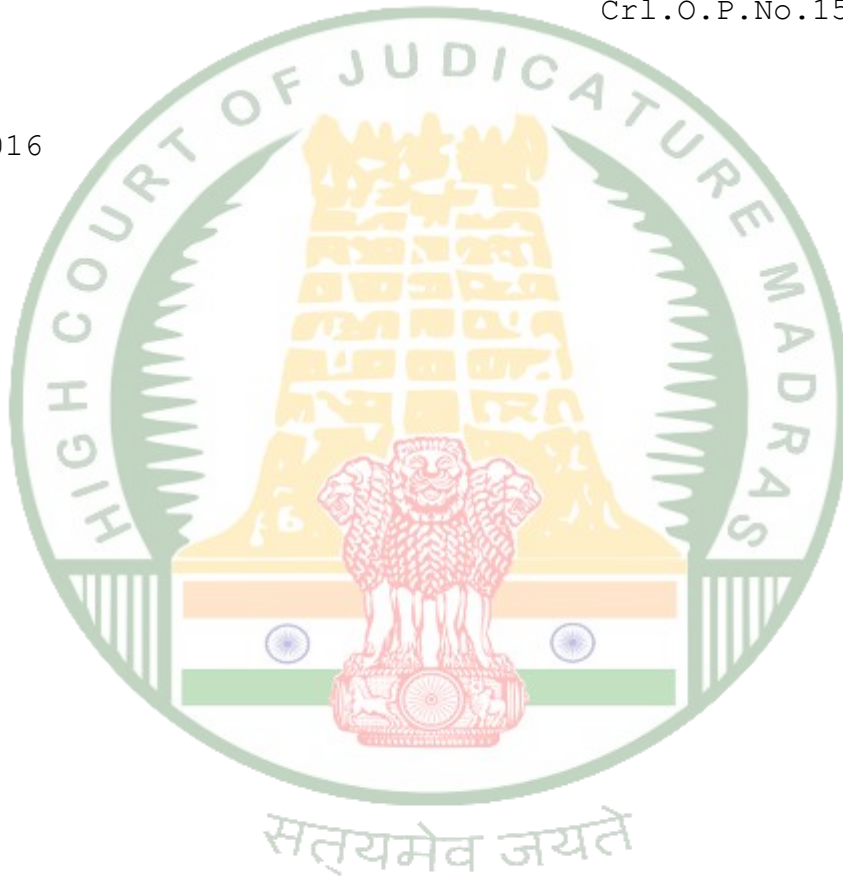
2. The Chief Judicial Magistrate  
Thiruppur

3. The Public Prosecutor,  
High Court, Madras.

+2 ccs to Mr.V.Manoharan Advocate sr.41257

Cr1.O.P.No.15426 of 2016

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