

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.1394 of 2016

V.Murugeswari

... Petitioner

Vs

B.Priya

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate No.III, Coimbatore, to consider the petitioner's warrant recall application on the same day in S.T.C.No.165 of 2015.

For Petitioner : Mr.M.Purushothaman

ORDER

The present criminal original petition has been filed to seeking a direction to the learned Judicial Magistrate No.III, Coimbatore, to consider the petitioner's warrant recall application on the same day in S.T.C.No.165 of 2015.

2. In view of the limited order going to be passed hereunder, this Court is of the opinion that there is no need to issue notice to the respondent.

3. On the basis of the complaint given by the respondent herein as against the petitioner before the learned Judicial Magistrate No.III, Coimbatore, a case has been registered in S.T.C.No.165 of 2015 for the alleged offence punishable under Section 138 of Negotiable Instruments Act.

4. Learned counsel appearing for the petitioner submitted that in the complaint, the address of the petitioner has been wrongly given and that is the reason, the petitioner could not attend the proceedings. Since she did not appear before the Court, the learned Magistrate has issued non-bailable warrant against her on 8.1.2016. Thus, she sought for a direction to the learned Judicial Magistrate No.III, Coimbatore, to consider her warrant recall application on the same day in S.T.C.No.165 of 2015.

5. Considering the submission made by the learned counsel appearing for the petitioner, this Court directs the petitioner to appear before the trial court within a period of two weeks from the date of receipt of a copy of this order by filing an application under Section 70(2) Cr.P.C to re-call the warrant in respect of S.T.C.No.165 of 2015 and also by filing an affidavit before the concerned Court to the effect that she will appear before the said Court on all the hearing dates without fail and in the event of filing such an application, the learned Judicial Magistrate No.III, Coimbatore is directed to consider the same on the same day on merits and pass appropriate orders. The criminal original petition is disposed of accordingly.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sbi

To

The Judicial Magistrate No.III,
Coimbatore.

1 cc to Mr.M. Purushothaman, Advocate, Sr. 3490

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