

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.17495 of 2015

Anbarasan

Petitioner

Vs

State
Inspector of Police
E.9, Thazambur Police Station
Chengalpattu
(Crime No.49/2008)

Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Judicial Magistrate No.I, Chengalpet to consider the Recall Warrant of the petitioner on surrender of the petitioner on the same day connected in C.C.No.249/2008 on the file of the Judicial Magistrate, No.I., Chengalpet.

For petitioner : Mr.M.D.Thirunavukkarasu

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the Judicial Magistrate No.I, Chengalpet to consider the Recall Warrant of the petitioner on surrender of the petitioner on the same day connected in C.C.No.249/2008 on the file of the Judicial Magistrate, No.I., Chengalpet.

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

3. The petitioner is facing prosecution in C.C.No.249/2008 for offences u/s 279 and 304(A) IPC, in respect of a road accident which is said to have taken place on 20.03.2008. The petitioner was arrested in Cr.No.49/2008 at the time of investigation and has been released on bail. Thereafter, the prosecution has filed the Final Report which was taken on file as C.C.No.249/2008 and that the petitioner has appeared and three witnesses have been examined.

4. On 05.03.2015, the petitioner who is working as a driver in a private Transport Corporation did not appear before the trial Court and his Advocate was physically indisposed and therefore, no petition u/s 317 Cr.P.C. was filed, on account of which the trial Court has issued a Non-bailable warrant against the petitioner, to recall which he is before this Court.

5. In normal circumstances, this Court will loath to interfere in a case of this nature where an accused who is on bail has been in abscondance thereby delaying the trial. However, the police have also not been able to execute the Non-bailable warrant from 2015 onwards. This is a case of the year 2008 and it requires early disposal by the trial Court. Taking all these factors into consideration, this Court directs the petitioner to surrender before the Judicial Magistrate-I, Chengalpattu in C.C.No.249/2008 within two weeks from the date of receipt of a copy of this order. On such surrender, the petitioner shall apply for fresh bail and the learned Magistrate is directed to release the petitioner on bail on the same day on condition that he should furnish a bond for Rs.10,000/- [Rupees ten thousand only] with two sureties. Thereafter, the trial Court shall complete the trial in C.C.No.249/2008 within three months from the date of surrender of the petitioner. The petitioner shall cross examine the witnesses on the same day they are examined-in-chief as held by the Supreme Court in Vinoth Kumar v. State of Punjab [2015(1) MLJ (Cr1) 288]. In the event of the petitioner adopting any dilatory tactics, the trial Court shall remand him to custody as held by the Supreme Court in State of Uttar Pradesh v. Shambu Nath Singh [JT 2001 (4) SC 319]. If thereafter, the petitioner absconds, it is open to the trial Court to register a fresh FIR against him u/s 299A IPC. With the above direction, this petition is closed.

gms

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. Inspector of Police, E.9, Thazambur Police Station, Chengalpattu.
2. Judicial Magistrate, No.I., Chengalpet.
3. The Public Prosecutor, High Court, Chennai.

mp(co)
prk1/7

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