

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1084 of 2016

P.K.Gunasekaran
S/o.P.R.Kannaiah

.. Petitioner

vs.

R.Baskaran
S/o.R.S.Ranganathan

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned V Metropolitan Magistrate, Egmore, Chennai, passed in Crl.M.P.No.1951 of 2016 in C.C.No.865 of 2016 on 18.08.2016.

For Petitioner : Mr.K.N.Nataraj

For Respondent : No appearance

ORDER

This revision challenges the order of learned V Metropolitan Magistrate, Egmore, Chennai, passed in Crl.M.P.No.1951 of 2016 in C.C.No.865 of 2016 on 18.08.2016.

2. Petitioner faces trial in C.C.No.865 of 2016 on the file of learned V Metropolitan Magistrate, Egmore, Chennai, for offences u/s.406 and 420 IPC. CrI.M.P.No.1951 of 2016 has been moved by petitioner seeking recall of non-bailable warrant issued against him by the Court below informing that as he was abroad, he could not appear in Court on 24.06.2016. Court below has dismissed such petition under the impugned order. Hence, this revision.

3. Heard learned counsel for petitioner. No representation for respondent.

4. Court below has dismissed the petition even while observing that the second accused, who is the wife of the petitioner, had received summons both on her behalf as also on behalf of her husband. Summons issued against this petitioner, in the said circumstances cannot be taken as duly served.

5. Learned counsel for petitioner, on instructions, submits that the petitioner would appear before the Court below on or before 28.02.2017.

6. Recording the said submission, this Court would set aside the order under challenge. Petitioner is directed to appear before the Court below on or

before 28.02.2017 and he may, if situation warrants, move an appropriate petition for advancing the hearing date in the case towards effecting his appearance before the Court below. In the event of failure on the part of the petitioner to appear before the Court below on or before 28.02.2017, this revision shall stand dismissed without any further reference to this Court. In such event, it will be open to the Court below to execute the non-bailable warrant issued against the petitioner.

The Criminal Revision is disposed of with the above direction.

02.12.2016

Index:yes/no
Internet:yes/no
gm

To

The V Metropolitan Magistrate,
Egmore, Chennai.

C.T. SELVAM, J

gm

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