

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1615 of 2016

Baskar @ Koli Baskar

..Petitioner/Accused.

Vs

State rep.by its
The Inspector of Police,
B4 Police Station,
Annadanapatti,
Salem District.

... Respondent/Complainant.

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned District Sessions Judge, Salem to accept the petition filed for recalling the non-bailable warrant issued against the petitioner in S.C.No.65/2015 without insisting the physical appearance of the petitioner before the trial Court.

For Petitioner : Mr.S.Ashok Kumar

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor.

O R D E R

This petition has been filed to direct the learned District Sessions Judge, Salem, to accept the petition filed for recalling the non-bailable warrant issued against the petitioner in S.C.No.65/2015 without insisting the physical appearance of the petitioner before the trial Court.

2. In the petition, it has been stated that the petitioner is facing trial for the alleged offence under Sections 120-B 109, 147, 148, 302 IPC before the learned District and Sessions Court in S.C.No.65 of 2015. On 30.08.2015, due to unavoidable situation, the petitioner is not able to appear before the said Court. It is further stated that the petitioner reliably understands that the police has planned to foist a case against the petitioner under the Preventive Detention Act. There is every possibility that the petitioner might be arrested while the petitioner appears for recalling the non-bailable warrant issued against him. Hence, he has come forward with the present petition.

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

4. Learned Additional Public Prosecutor vehemently opposed this petition stating that the petitioner is an accused in a case of murder. Therefore, he cannot seek indulgence of this Court for exemption of physical appearing at the time of filing the petition for recalling the non-bailable warrant.

5. Considering the submission made on either side and on perusing the materials available on records, this Court is of the considered opinion that this Court cannot give the direction sought for by the petitioner who is an accused in an offence under section 302 IPC. Hence, the criminal original petition stands dismissed. However, the petitioner is at liberty to surrender before the trial Court and file a petition to recall the non-bailable warrant.

vsi

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

1. The Additional District and Sessions Judge,
FTC No.1, Salem.
2. The Inspector of Police,
B4 Police Station,
Annadanapatti,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Ashok Kumar, Advocate 4737

ctk(co)
prk5/2

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