

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.655 of 2016

V.T.Srinivasan
Proprietor
M/s.Sri Laxmi Venkateswara Traders & Transport,
Tadpatri, Anandhpur District. ... Petitioner/Accused

Vs.

M/s.URC Construction (P) Ltd.,
Rep. by its Managing Director Devarajan
Rep. by its Power of Attorney Holder
M.Kettimuthu. ... Respondent/Complainant.

Prayer :- Criminal Revision Petition filed under Section 397 r/w
401 of Cr.P.C. against the order dated 03.03.2016 made in
Crl.MP.No.1712 of 2016 in STC.No.91 of 2016 on the file of the
Judicial Magistrate, Fast Track Court - II, Erode.

For Petitioner : Mr.D.Jagadish Chandira,
No appearance
For Respondent : Mr.S.Kaithamalaikannan

ORDER

The criminal revision petition is directed against the order passed by the learned Judicial Magistrate, Fast Track Court - II, Erode made in Crl.MP.No.1712 of 2016 in STC.No.91 of 2016 dated 03.03.2016. Aggrieved over the said order the petitioner filed the present revision petition before this Court.

2.The petitioner has filed petition under Section 70(2) of the Cr.PC to recall the bailable warrant issued against him.

3.The case of the petitioner is that the petitioner is bed ridden due to diabetic and he is not able to appear before the Court, hence, bailable warrant was issued against the petitioner. The trial Court without analysing the facts and circumstances, erroneously dismissed the application to recall bailable warrant.

4.The learned counsel for the respondent submitted that the petitioner is involved in so many cases. It is brought to the notice of this Court that the petitioner was admitted in the hospital from 04.02.2016 to 15.02.2016, the discharge summary reveals that at the time of discharge from the hospital, the petitioner was in stable condition. The petitioner was not admitted in the hospital on either days i.e, on 10.02.2016 and 29.02.2016. The petitioner is in the habit of filing petitions under section 70(2) Cr.PC through his counsel to recall the bailable warrant issued against him and the trial court rightly dismissed the petition filed by the petitioner. Hence, the criminal revision is liable to be dismissed.

5.Heard the learned counsel for the respondent, there is no appearance on the side of the petitioner. This Court perused the records.

6.In the criminal cases, the accused has to appear before the concerned court and get the bond executed, since the bailable warrant is issued against the petitioner and the question of recalling the bailable warrant will not arise without appearance of the petitioner. The petitioner is duty bound to attend the criminal court on every hearing and to face the charge levelled against him. If he fails to appear, the Court can issue bailable warrant against him. The bailable warrant cannot be recalled in the absence of the petitioner by filing Section 70(2) Cr.PC petition through the counsel, without any satisfactory reasons put forth on the side of the petitioner.

7.Considering the facts and circumstances, this Court finds no satisfactory reasons placed on the side of the petitioner for his absence before the trial Court to recall the bailable warrant issued against him is not convincing, the trial Court after considering the materials placed on record, dismissed the petition and this Court is not inclined to interfere with the well considered order of the trial Court and there is no illegality or infirmity in the order passed by the trial court and the same does not warrant any interference by this court.

8.In the result, the criminal revision petition stands dismissed.

tsh

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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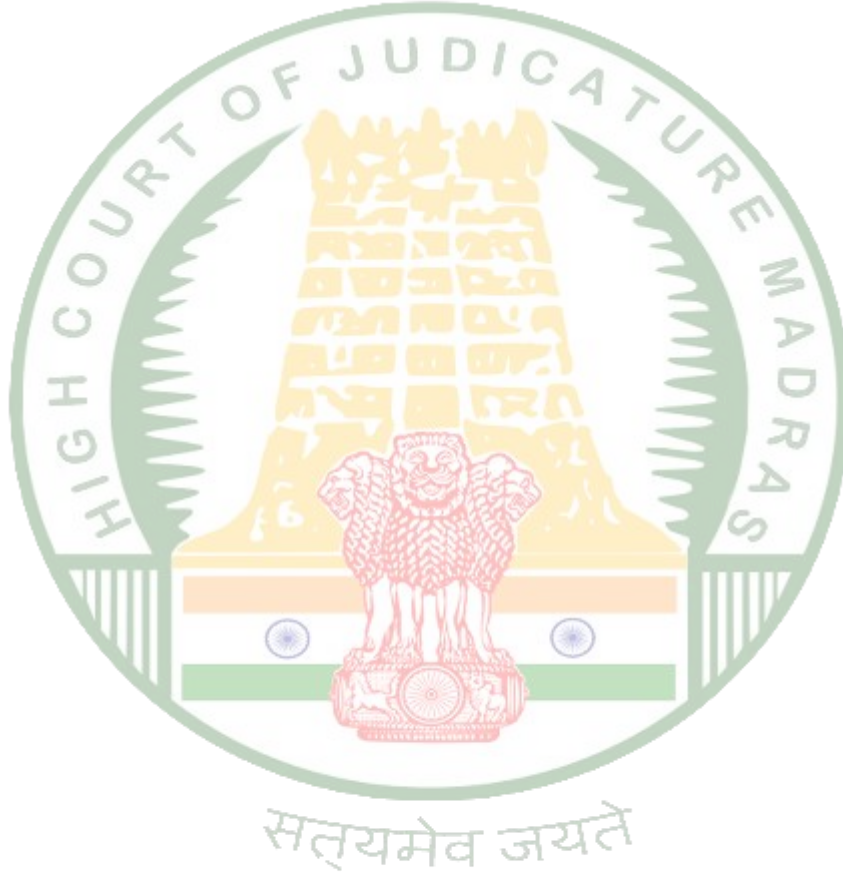
The Judicial Magistrate, Fast Track Court -II, Erode.

+ 1 cc to M/s.S.Kaithamalai Kumar, Advocate SR 36992

+ 1 cc to M/s.A.D.Jagadesh Chandira, Advocate SR 37125

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