

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.OP.No.17331 of 2016

S.Varutharaj

...

Petitioner

Vs

The Inspector of Police,
Mangalapuram Police Station,
Namakkal District.

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Principal Judge, Sessions Court, Namakkal, to accept the surrender of the petitioner and to consider the recall petition which may be filed under Section 70(2) CrPC in Crime No.436/2012 on the very same day.

For Petitioner : Mr.K.A.Mariappan

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the learned Principal Judge, Sessions Court, Namakkal, to accept the surrender of the petitioner and to consider the recall petition which may be filed under Section 70(2) Cr.P.C in Crime No.436 of 2012 on the very same day.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. It is seen that this petitioner was already enlarged on bail in Crime No.436 of 2012 and during trial in SC.No.79 of 2015, he did not appear before the trial Court on 29.03.2016, on account of which, Non-Bailable Warrant was issued against this petitioner.

4. Learned counsel for the petitioner submitted that on account of boycott of Courts, the petitioner's counsel shall not file an application under Section 317 Cr.P.C.

5. In the considered opinion of this Court, that cannot be a good reason to allow the petition, in the light of the law laid down by the Hon'ble Supreme Court in Harish Uppal [Ex.Capt.] Vs Union of India reported in [2003] 2 SCC 45. However, the petitioner is directed to surrender before the trial Court in-person and pray for recalling the warrant, which may be considered by the trial Court in accordance with law.

With the above direction, this petition is closed.
gva

-s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1.The Principal Judge,
Sessions Court,
Namakkal.

2.The Inspector of Police,
Mangalapuram Police Station,
Namakkal District.

3.The Public Prosecutor,
High Court, Chennai.

+ 1 cc to Mr.K.Mariappan, Advocate SR 44807

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prk10/8

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