

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI.O.P. No.17786 of 2016

P. Shanmugapandiyan

Petitioner

vs.

The State represented by  
the Inspector of Police  
Karumathapatti Police Station  
Coimbatore District

Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to direct the Judicial Magistrate No.II, Coimbatore, to consider the recall warrant petition filed by the petitioner in C.C. No.1002 of 2012.

For petitioner

Mr. K. Myilsamy

For respondent

Mr. C. Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the Judicial Magistrate No.II, Coimbatore, to consider the recall warrant petition filed by the petitioner in C.C. No.1002 of 2012.

2 It is seen that this petitioner is facing trial in C.C. No.1002 of 2012 before the Judicial Magistrate Court No.II, Coimbatore for offences under Sections 304-A and 279, IPC in respect of the accident which took place on 14.05.2010.

3 Charge sheet has been filed in the year 2012 and the same is pending. In the meanwhile, the petitioner did not appear before the Trial Court and therefore, non-bailable warrant has been issued against this petitioner which is pending from 2014.

4 The fact remains that the police have not been able to execute the non-bailable warrant, on account of which the trial is pending. Under such circumstances, this Court directs the petitioner to surrender before the Judicial Magistrate Court No.II, Coimbatore in C.C. No.1002 of 2012 within a period of two weeks from the date of receipt of a copy of this order and on

such surrender, he shall be released on bail under Section 436 Cr.P.C. on the same day on a bond of Rs.10,000/- with two local sureties and on further undertaking that he would engage an advocate and conduct trial. If, thereafter, the petitioner absconds, the Trial Court is directed to register an FIR against him under Section 229-A IPC. The petitioner shall cross-examine the witnesses on the day they are examined-in-chief, as laid down by the Supreme Court in Vinoth Kumar vs. State of Punjab [2015 (1) MLJ Cr1.288]. If the petitioner adopts any dilatory tactics, he shall be remanded to custody as laid down by the Supreme Court in State of Uttar Pradesh vs. Shambhu Nath Singh [JT 2001 (4) SC 319].

This Criminal Original Petition stands ordered accordingly.  
cad

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1 The Inspector of Police  
Karumathapatti Police Station  
Coimbatore District
  - 2 The Public Prosecutor  
High Court of Madras, Chennai 600 104
- + 1 cc to Mr.K.Myilsamy, Advocate SR 46469

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