

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

CRL.O.P.No.12001 of 2010
& M.P.No.1 of 2010

M.Sundarrajan

.. Petitioner/Accused

... Vs ...

M/s. Ankal Finance,
rep. by its Director,
Mr.R.Manokaran
rep. by its Power of Attorney
Mr.V.Narayan

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to call for the records in C.C.No.1063 of 2007, dated 17.03.2010 on the file of Judicial Magistrate-VIII, Coimbatore, Coimbatore whereby, dismissing the petition filed under Section 317 of Cr.P.C. and issued NBW.

For Petitioner : No Appearance

For Respondent : Notice Sent (Service awaited)

ORDER

This petition has been filed seeking to call for the records in C.C.No.1063 of 2007, on the file of Judicial Magistrate No.II, Coimbatore, Coimbatore District.

2. It is the case of the petitioner that the respondent/complainant filed a private complaint under Section 200 Cr.P.C., r/w. Section 138 of the Negotiable Instruments Act and the case was taken up for hearing on 17.03.2010. Since the petitioner/accused could not be able to appear on the said date, he filed a petition under Section 317 of Cr.P.C. and the same was dismissed. Hence, an Non-Bailable Warrant came to be issued as against the accused. Aggrieved over the issuance of the Non-bailable Warrant, the petitioner is before this Court.

3. When the matter is taken up for hearing, there was no representation for the petitioner. The docket order made in C.C.No.732 of 2004 in C.C.No.1063 of 2007, on 17.03.2010 would read thus:

"Complainant present. Accused called absent. Petition Under Section 317 Cr.P.C. filed and dismissed. Memo filed only I.R. number is produced. As such neither Stay order is produced nor CRP number is produced. Issue Non-Bailable Warrant to accused. Call on 30.04.2010."

4. It is seen from the records that notice of motion was ordered in this petition as early as on 30.05.2010 and interim stay of the proceedings was also granted for a limited period. Since then, this Criminal Original Petition was kept pending and the notice has also been duly not served to the respondent. In the aforesaid circumstances, I do not find any valid reason to interfere with the order of the Court below and hence, this Criminal Original Petition is dismissed. Non-Bailable warrant, if not already executed is directed to be executed, at the earliest. Consequently, connected miscellaneous petition is also closed.

smi

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate-VIII, Coimbatore, Coimbatore.

2. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.C.Prakasam, Advocate SR 9426

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prk25/2

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