

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.18897 of 2016

Manikandan

.. Petitioner

Vs

The Inspector of Police,
Kolathur Police Station,
Salem District
(Crime No.417 of 2013)

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned Judicial Magistrate No.I, Mettur, Salem District to accept the petition filed by the father of the petitioner herein under Section 70(2) Cr.P.C., and recall the Non Bailable Warrant issued against him in the above case without insisting upon his appearance in Court in the above case in PRC No.3 of 2014 on the file of the learned Judicial Magistrate No.I, Mettur, Salem District.

For Petitioner : Mr.T.Shanmugam

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the learned Judicial Magistrate No.I, Mettur, Salem District to accept the petition filed by the father of the petitioner herein under Section 70(2) Cr.P.C., and recall the Non Bailable Warrant issued against him in the above case without insisting upon his appearance in Court in the above case in PRC No.3 of 2014 on the file of the learned Judicial Magistrate No.I, Mettur, Salem District.

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 is facing prosecution in PRC.No.3 of 2014 before the learned Judicial magistrate No.I,

Mettur, Salem for serious offence, namely, 294(b), 342, 323, 324, 397 and 420 IPC and committal proceedings are pending. While so, it is contended by the learned counsel for the petitioner that the petitioner did not appear before the committal court on 11.08.2015, on account of which, non bailable warrant is pending. Hence the petitioner is before this Court with the above said prayer.

4. In the considered opinion of this Court, the prayer of the petitioner that the trial court should accept the petition filed by his father should be accepted by the learned Judicial Magistrate No.I, Mettur, cannot be countenanced.

5. Under such circumstances, the petitioner is directed to surrender before the learned Judicial Magistrate No.I, Mettur within a period of two weeks from the date of receipt of copy of a order and pray for recall of warrant. On such surrender, the learned Judicial Magistrate No.I, Mettur, is directed to consider the surrender application on the same day and pass orders on merits.

With the above observation, this Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Kolathur Police Station,
Salem District
(Crime No.417 of 2013)

2. The Public Prosecutor,
High Court, Madras.

3. The Judicial Magistrate No.1
Mettur

+1 cc to Mr.T.Shanmugam Advocate sr 48761

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