

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 25.10.2016
CORAM:
THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Criminal Original Petition No.23780 of 2016

S.Mansoor Ahmed
S/o. Allah Bather,
Proprietor,
M/s.Elahi Leathers,
No.2, Hajipet, 2nd Street,
Melvisharam,
Walaja Taluk,
Vellore District.

... Petitioner

-Versus-

M/s.Rafik Leaders,
Rep. by its Proprietor,
U.Mohammed Rafik Ali,
S/o.A.R.Usmanali,
No.2, Hajiya Street,
B.P.Agraharam, Erode,
Erode District.

... Respondent

Prayer: This petition is filed under Section 482 Cr.P.C. praying to direct the Judicial Magistrate, Fast Track Court No.I, Erode, Erode District, to consider the surrender petition of the petitioner on the same day and enlarge him on bail in STC No.231 of 2012 pending on the file of the learned Judicial Magistrate No.I, Erode, Erode District.

For Petitioner : Mr.M.Sathishkumar

ORDER

The petitioner is facing prosecution in STC No.231 of 2012 before the learned Judicial Magistrate, Fast Track Court No.I, Erode, Erode District, for offence under Section 138 of The Negotiable Instruments Act. During trial, the petitioner did not appear before the trial court on 26.09.2012 on account of which a Non Bailable Warrant was issued against him and the same is said to be pending till date. Under such circumstances, the petitioner is before this court with the present original petition.

2. In a case of this nature when the accused fails to cooperate with the trial, this court does not want to usurp the power of the learned Magistrate and grant relief as prayed for.

However, in this case from 2012 to 2016 the police have not executed the non bailable warrant. This only further elongate the agony of the complainant.

3. In view of the above, the petitioner is directed to surrender before the Judicial Magistrate, Fast Track Court No.I, Erode, Erode District, within a period of two weeks from the date of receipt of a copy of this order and on his surrender, he shall be released on bail under Section 436 of Cr.P.C. on the same day on his furnishing a bond for a sum of Rs.50,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court No.I, Erode. If the petitioner further absconds, a fresh FIR can be registered against him under Section 229-A of IPC which is an offence cognizable and non bailable.

4. In the result, this criminal original petition is disposed of with the above directions.

-s/d-
Assistant Registrar

true Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate,
Fast Track Court No.I, Erode,
Erode District

Cr1.O.P.No.23780 of 2016

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