

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2016

CORAM:

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

CrI.O.P.No.24857 of 2016

C. Sakthidoss

... Petitioner

Vs.

The Sub Inspector of Police
B-10, Selvapuram Police Station
Coimbatore

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure seeking to set aside the order dated 29.08.2016 passed by the Principal Sessions Court, Coimbatore in C.M.P. No.337 of 2016 in S.C. No.91 of 2015.

For petitioner Mr. S. Kolandasamy

For respondent Mr. C. Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 29.08.2016 passed by the Principal Sessions Court, Coimbatore in C.M.P.No.337 of 2016 in S.C. No.91 of 2015.

2 It is seen that the petitioner is facing trial for an offence under Section 307 IPC in S.C. No.91 of 2015 before the Principal Sessions Court, Coimbatore. The petitioner did not appear before the Trial Court and hence, a Non Bailable Warrant was issued against him.

3 He filed an application in C.M.P. No.337 of 2016 before the Trial Court under Section 70(2), Cr.P.C. and at the time of presenting the application, he was present before the Trial Court, but, when the case was called, he was not present and therefore, the Trial Court dismissed C.M.P. No.337 of 2016, challenging which, the petitioner is before this Court.

4 The learned counsel for the petitioner submitted that even without the presence of the accused, warrant can be recalled and in support of this contention, he placed reliance on a judgment of this Court in 2016 1 LW (Crl.) 506.

5 In a case of this nature, where, the offence is one under Section 307 IPC, no indulgence can be shown to the accused for absenting himself before the Trial Court after having presented the application. This means that the petitioner has scant regard for the Court and hence, he does not deserve any indulgence.

In view of the above, this Criminal Original Petition fails and is accordingly dismissed. The respondent police is directed to arrest the petitioner at once and produce him before the Trial Court.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Sub Inspector of Police
B-10, Selvapuram Police Station
Coimbatore

2 The Principal Sessions Court
Coimbatore

3 The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr.S.Kolandasamy, Advocate sr.65223

Crl.O.P. No.24857 of 2016

rv[co]
srg 09/12/2016