

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.12.2016
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P. Nos.26015, 26016 and 26017 of 2016

Kamala

... Petitioner
in all the petitions/
Accused-3

Vs

State rep. by the
Inspector of Police,
District Crime Branch,
Tiruvallur.

... Respondent
in all the petitions

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate, Tiruttani to consider the petition to be filed by the petitioner under Section 70(2) Cr.P.C. to recall the warrant without insisting the presence of the petitioner in CC Nos.160, 161 and 162 of 2015 pending on his file.

For Petitioner : Mr.B.Nambiselvan
For Respondent : Mr.C.Emalias, APP

COMMON ORDER

The petitioner has come up with the present petitions seeking a direction to the learned Judicial Magistrate, Tiruttani to consider her petitions to be filed under Section 70 (2) Cr.P.C. to recall the warrants issued in CC Nos.160, 161 and 162 of 2015 without insisting her presence.

2. The case of the petitioner is that she is arrayed as A3 and is facing prosecution along with other accused in C.C.Nos.160, 161 and 162 of 2015 on the file of the learned Judicial Magistrate, Tiruttani for the alleged offences under Sections 406, 420 r/w Section 34 IPC. According to the petitioner, at the time of commission of offence, she was residing at Chennai. Now, she is residing at Kancheepuram. Due to change of her residence, no summons were served on her in either of the cases. In such circumstances, the respondent police filed absconding charge sheet against her, due to which, non-bailable warrants came to be issued against her on 06.11.2015 in all the cases. On coming to know about the same, the petitioner has filed the present petitions for the above

stated relief.

3. The learned counsel for the petitioner submits that the petitioner had fallen from staircase in the year 2011, sustained fracture and undergone surgery and the doctor advised her not to move from the bed. For the said reason, she is unable to appear before the lower court. Therefore, the learned counsel sought for a direction to the lower court to recall the warrants issued, without insisting the presence of the petitioner.

4. Heard the learned Additional Public Prosecutor appearing for the respondent, who is not seriously opposing the relief sought for.

5. Considering the facts and circumstances of the case and also taking note of the physical condition of the petitioner, this Court deems it fit to direct the learned Judicial Magistrate, Tiruttani to consider the petitions to be filed by the petitioner under Section 70(2)Cr.P.C. and pass appropriate orders, without insisting the presence of the petitioner for recalling the warrants issued in CC Nos.160, 161 and 162 of 2015

6. With the above direction, all the Criminal Original Petitions are disposed of.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate Tiruttani

2.-do-Thro The Chief Judicial Magistrate
Thiruvallur

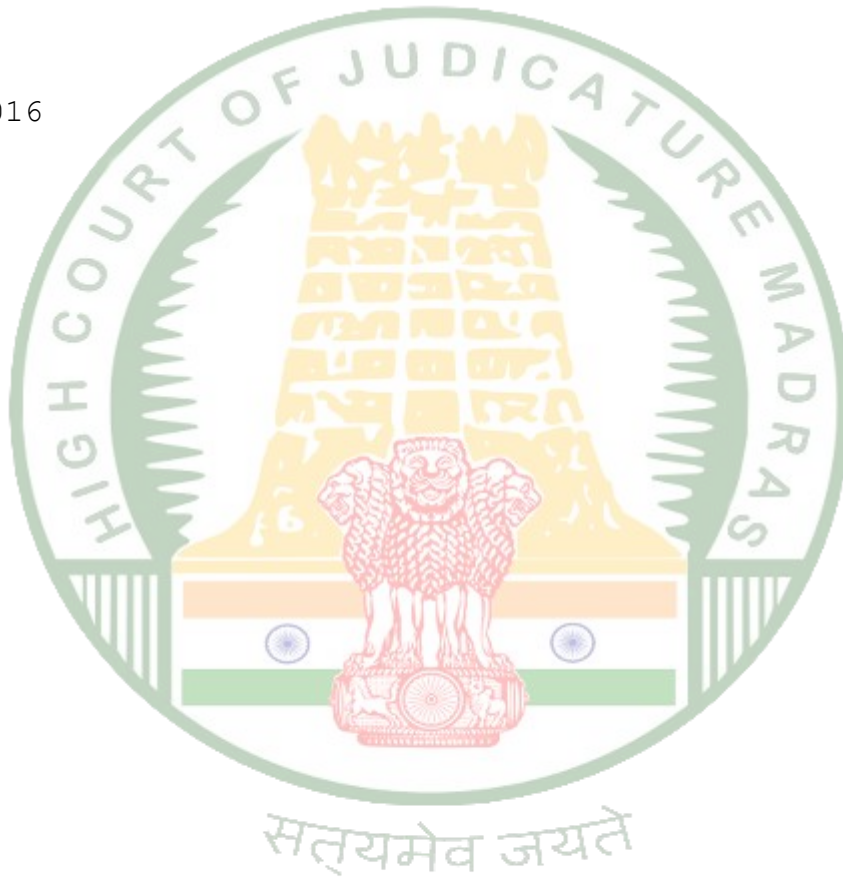
3. The Inspector of Police,
District Crime Branch,
Tiruvallur.

4.The Public Prosecutor, High court, Madras -104.

+3 ccs to Mr.B.Nambiselvan Advocate sr 71794/16
71793,71792/16

Cr1.O.P.Nos.26015, 26016 and 26017 of 2016

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