

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.716 of 2016

R.Varatharajan

... Petitioner

Vs

The State rep. by
The Sub-Inspector of Police,
Malli Karai police Station,
Attur Taluk,
Salem District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to consider the application to recall the warrant on the very same day on surrender of the petitioner with respect of NBW issued in STC No.70/2015 on the file of Judicial Magistrate (FTC) Judicial, Magistrate level, Attur-Salem District.

For Petitioner : Mr.P.Ganapathy
For respondent : Mr.C.Emalias,
Addl.Public Prosecutor.

O R D E R

This petition has been filed to consider the application to recall the warrant on the very same day on surrender of the petitioner with respect of NBW issued in STC No.70/2015 on the file of Judicial Magistrate (FTC), Attur, Salem District.

2. The petitioner is working as a Conductor. He is an accused in a private complaint for the alleged offence under Section 138 of Negotiable Instruments Act in STC.70/2015 filed by the respondent. When the said case came up for hearing on 16.11.2015, this petitioner informed the counsel to file a petition under section 317 Cr.P.C., since he was not in a position to attend the case as his employer did not grant leave. But the counsel for the petitioner failed to file the petition. Hence, the trial Court issued non-bailable warrant on 16.11.2015 against the petitioner. Therefore, the present petition has been filed seeking the above direction.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. In my considered opinion, since it is a private complaint filed under Section 138 of Negotiable Instruments Act, this Court cannot give a positive direction. Hence, the criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy by filing an application under Section 70(2) Cr.P.C to re-call the warrant issued in STC.No.70 of 2015.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate (FTC),
Attur, Salem District.
2. Thro The Chief Judicial Magistrate,
Salem.
3. The Sub-Inspector of Police,
Malli Karai police Station,
Attur Taluk,
Salem District.
4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.P.Ganapathy, Advocate Sr.3208

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msm[co]
srg 29/01/2016

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