

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.783 of 2016

Kannan

..Petitioner

Vs.,

The State rep by
Station House Officer,
Virudhachalam Police Station,
Cuddalore District.
(crime No.428/2005)

..Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the court below to consider the petitioner's recall warrant petition on the same day in connection with C.C.No.103/2007 on the file of the Additional District Judge-II, Cuddalore@ Vridhachalam.

For Petitioner : Mr.R.Sethuvarayar

For Respondent : Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed seeking a direction to the Court below to consider the petitioner's recall warrant petition on the same day in connection with S.C.No.103/2007 on the file of the Additional District Judge-II, Cuddalore @ Vridhachalam.

2.It is stated in the petition that the petitioner is the fifth accused in S.C.No.103 of 2007 on the file of the learned Additional District and Sessions Judge-II, Cuddalore at Vridhachalam. During the trial, the case in C.C.No.103 of 2007 was split up against this petitioner and the same was taken on file as S.C.No.243 of 2015 and the same is still pending. During the trial, the petitioner was absconded and the learned Additional District and Sessions Judge-II, Cuddalore at Virdhachalam issued Non Bailable Warrant against this

petitioner/A5 on 12.09.2013. However, the main Accused 1, 3 to 4 in S.C.No.103 of 2007 were acquitted by the trial Court on 21.12.2015. Hence, the benefit of acquittal in the above case may be given to this petitioner/A5. Therefore, the petition has filed the present criminal original petitioner to re-call the warrant issued by the trial court dated 12.09.2013 against this petitioner.

3.The learned Additional Public Prosecutor submitted that the petitioner is absconding for a long period and hence, this petition may not be entertained at this stage.

4.I find force in the submission made by the learned Additional Public Prosecutor. Since the petitioner is an absconding accused for a long period in S.C.No.243 of 2015 on the file of the learned Additional District and Sessions Judge-II, Cuddalore at Virudhachalam, this court is not inclined to consider the prayer made by the petitioner at this stage. Hence, this criminal original petition is dismissed.

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Sd/-
Assistant Registrar (CS III)
/TRUE COPY/
Sub-Assistant Registrar

To,

1.The Station House Officer,
Virudhachalam Police Station,
Cuddalore District.

2.The Public Prosecutor,
High Court, Madras.

+1CC to MR.R.SETHUVARAYAR Advocate SR.NO.2293/2016

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KGK[CO]
MK : 04/02/2016

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