

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.9713 of 2016

1.Mr.G.V.Appala Naidu  
2.Mr.R.Suresh Kennedy  
3.Mr.D.S.Mani  
4.Mr.G.Srinivasan  
5.Mr.Pradeep Kumar  
6.Mr.D.Prakash .... Petitioners

Vs.

State rep. by  
The Inspector of Police  
Vaniambadi Town Police Station,  
Vellore District. .... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to modify the order dated 07.04.2016 in C.C.No.15 of 2015 on the file of the District Munsiff Cum Judicial Magistrate Court, Vaniambadi, Vellore District.

For Petitioners: Mr.K.Mohanamurali

For Respondent : Mr.C.Emalias  
Additional Public Prosecutor

ORDER

The petitioners have come forward with this petition seeking to modify the order dated 07.04.2016 in C.C.No.15 of 2015 on the file of the District Munsiff Cum Judicial Magistrate Court, Vaniambadi, Vellore District.

2.Heard the submissions made by the learned counsel appearing on either side.

3.The learned counsel appearing for the petitioners would submit that on 07.04.2016, the learned District Munsiff Cum Judicial Magistrate, Vaniambadi passed the following order:

"A3 to A8 surrendered at 1.35 P.M. Advance hearing petition filed and allowed. Surrender petition filed and allowed. Surrender accepted. Warrant recall petition U/s 70(2) filed and allowed. Warrant is recalled with condition that A3 to A5 shall appear every hearing call on 11.4.16."

4.The learned counsel appearing for the petitioners would further submit that since the petitioner did not appear before the Court on 11.04.2016, non bailable warrant was issued against them. Hence, they filed petition for recalling the warrant on 20.04.2016 in which surrender has been accepted and non bailable warrant has been recalled.

5.Since the non bailable warrant has been recalled, I do not find any reason for modifying the order dated 07.04.2016 passed in C.C.No.15 of 2015 by the learned District Munsiff Cum Judicial Magistrate, Vaniambadi, Vellore District. Hence, this Criminal Original Petition is dismissed as infructuous.

6.At this juncture, the learned counsel appearing for the petitioners seek the personal appearance of the petitioners to be dispensed with. Hence, the learned District Munsiff Cum Judicial Magistrate, Vaniambadi, Vellore District is directed to consider the petition in accordance with law.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif - Cum Judicial Magistrate,  
Vaniambadi, Vellore District.

2.The Inspector of Police  
Vaniambadi Town Police Station,  
Vellore District.

2.The Public Prosecutor  
High Court, Madras.

+ 1 cc to Mr.K. Mohanamurali, Advocate Sr.27825

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LRS (CO)  
EU 01.06.16