



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Second day of June Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice K.K.SASIDHARAN
and

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.1071 of 2016 IN CRL A(MD) No.274 of 2011

M. THIRUCHELVAM ... PETITIONER/RESPONDENT/RESPONDENT/ACCUSED NO.2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

CBI/SCB/CHENNAI.

... RESPONDENT/PETITIONER/APPELLANT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to recall the non-bailable warrant dated 27.01.16 issued against the petitioner in Cr.M.P.No.594/2016 in C.A.No.274/2011 on the file of this Honourable Court.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.J.GOPALAKRISHNA LAKSHMANA RAJU, Senior Counsel for MR.J.SENTHIL KUMARIAH, Advocate for the petitioner and of MR.N.NAGENDRAN,, Special Public Prosecutor for CBI Case, the court made the following order:-

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

This is a petition to recall the non-bailable warrant issued against the petitioner, on 27.01.2016.

2. The petitioner was arrayed as accused No.2 in S.C.No.3 of 2009, on the file of learned Principal District and Sessions Judge, Madurai. He is the second respondent in Crl.A.(MD).No.274 of 2011. This Court, having found that there was no appearance on behalf of him continuously for many hearings, issued a non-bailable warrant. The petitioner has filed this petition to recall the non-bailable warrant.

3. The petitioner is present in Court and is represented by a counsel. The counsel is ready to argue the appeal, without taking adjournment.

4. We have also heard the learned Special Public Prosecutor for CBI.

5. The petitioner was acquitted by the Trial Court. The present appeal is filed by the CBI challenging the Judgment in S.C.No.3 of 2009, on the file of learned Principal District and Sessions Judge, Madurai. The personal presence of the petitioner is not necessary for the hearing of the appeal. It was only when his counsel has withdrawn the memo of appearance, this Court issued a non-bailable warrant against the petitioner. The petitioner is now prepared to co-operate for an early disposal of the appeal. We are, therefore, of the view that the non-bailable warrant requires to be recalled.

6. The non-bailable warrant issued against the petitioner is



recalled. He is directed to co-operate for an early disposal of the appeal. The petitioner is directed to appear before this Court, as and when required.

7. The Criminal Miscellaneous Petition is disposed of with the above direction.

sd/-
22/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE,
CBI / SCB / CHENNAI.

4 THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S J.SENTHIL KUMARAIAH Advocate SR.No.32167

ORDER
IN
CRL MP(MD) No.1071 of 2016
IN
CRL A(MD) No.274 of 2011
Date :22/06/2016

PA/AAL-MPA/SAR III/23.06.2016/2P/6C