



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P.(MD)No.15038 of 2016

Palani

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Sellur Police Station
Madurai District

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the III Additional District and Sessions (PCR) Court, Madurai, to consider the petitioner's application to recall the non bailable warrant dated 10.10.2015 issued against him in S.S.C.NO.23/2008 in Crime No.1248/2006 on the file of the respondent on the same day of his surrender.

For Petitioner : M/s.T.Leninkumar

For Respondents : Mr.A.P.Balasubramani

Government Advocate (Criminal side)

ORDER

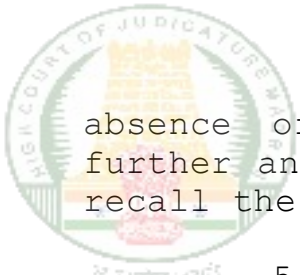
It is an application seeking a direction to the III Additional District and Sessions (PCR) Court, Madurai, to consider the petitioner's application to recall the non bailable warrant dated 10.10.2015 issued against him in S.S.C.NO.23/2008 in Crime No.1248/2006 on the file of the respondent on the same day of his surrender.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

3.The learned counsel for the petitioner would submit that the petitioner was not able to appear before the trial Court on 10.10.2015 due to ill-health and despite instructions by the petitioner to the learned counsel for the petitioner to file a petition under section 317 Cr.P.C., the counsel did not file the same and therefore, the petitioner is suffering the consequences. It is also submitted that mistake is neither wilful nor wanton, but beyond reasons, which is not under the control of the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl. Side) also submitted that the case is a long pending one and because of the



absence of the petitioner, the trial could not be proceeded further and the respondents have no objection, if the petition to recall the warrant is considered on the same day of surrender.

5. Under such circumstances, the III Additional District and Sessions (PCR) Court, Madurai, is directed to consider the application to be filed by the petitioner under Section 70(2) Cr.P.C. to recall the warrant on the same day of surrender and pass orders.

6. With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The III Additional District and Sessions (PCR) Court,
Madurai

2. The Inspector of Police,
Sellur Police Station
Madurai District

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P. (MD) No. 15038 of 2016

02.09.2016

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