



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

Cr1.O.P(MD)No.15221 of 2016

1.Karuppaiah

2.Alagi

3.Veerayee

.. Petitioners/Accused Nos.1,3 & 4

.Vs.

The Sub Inspector of Police,
Poolankuruchi Police Station,
(Crime No.11/2014)
Sivagangai District.

.. Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the Chief Judicial Magistrate, Sivagangai to consider the petitioners' recall warrant application in SC No.31/2015 pending before the Chief Judicial Magistrate, Sivagangai, Sivagangai District.

For Petitioner :Mr.S.Muthalraj

For Respondent :Mr.A.P.Balasubramani

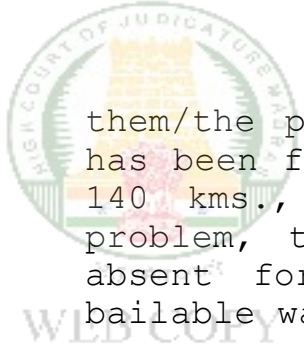
Govt. Advocate(Crl. Side)

ORDER

This petition has been filed seeking a direction to the Chief Judicial Magistrate, Sivagangai to consider the petitioners' recall warrant application in SC No.31/2015 pending before the Chief Judicial Magistrate, Sivagangai, Sivagangai District.

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

3. The 2nd and 3rd petitioners, who are senior citizens along with the 1st petitioner/A1, A3 and A4 respectively, are facing trial in respect of the offences under Sections 294(b), 324, 447, 427, 506(i) IPC r/w Section 3 of TNPPDL Act. The case had been posted to 14.07.2016, on which date, the 2nd accused has appeared before the Chief Judicial Magistrate and in respect of rest of



them/the petitioners herein, petition under Section 317 Cr.P.C., has been filed. It is stated that the petitioners have to travel 140 kms., from their native place and despite their old age problem, they are attending the Court regularly, but they were absent for only one hearing on 14.07.2016, for which, non bailable warrant has been issued against them.

4. Even though the personal appearance of the petitioners is necessary on that date, considering the age of the petitioners, the Court should have been lenient in considering the application under Section 317 Cr.P.C. But, unfortunately, the petition under Section 317 Cr.P.C., has been dismissed. Under such circumstances, the learned counsel for the petitioners seeks direction to the Court below to consider the petitioners application to recall the warrant on the date of surrender itself. As it is discussed already, it is for the trial Court to take a lenient view and therefore, the trial Court is directed to consider the application of the petitioner to recall on the same day of their surrender.

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

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate,
Sivagangai.

2.The Sub Inspector of Police,
Poolankuruchi Police Station,
Sivagangai District.

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

+1 cc to M/s.Na.Palaniyandi, Advocate in SR.No.46292

RR

CSL/SS-2/07.09.2016:2P/5C

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