



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.16379 of 2016

M.Krishnan

..Petitioner/Accused

-Vs-

1.State represented by

The Inspector of Police,
Kallimanthayam Police Station,
Dindigul District.

..Respondent/Respondent

2.Chandrasekar

..Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, praying to direct the Principal District and Sessions Judge, Dindigul to consider the petitioner's petition to recall the Non-Bailable Warrant dated 12.07.2016 issued against him in C.A.No.1 of 2016 on the same day of his surrender.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.K.Anbarasan

Govt. Advocate (Crl.Side)
for R.1

O R D E R

This petition has been filed seeking a direction to the Principal District and Sessions Judge, Dindigul to consider the petitioner's petition to recall the Non-Bailable Warrant dated 12.07.2016 issued against him in C.A.No.1 of 2016 on the same day of his surrender.

2. The learned Counsel for the petitioner would submit that the petitioner is convicted in a private complaint filed under Section 138 of Negotiable Instruments Act in S.T.C.No.153 of 2013 by the learned Judicial Magistrate, Palani. Aggrieved over the judgment, the petitioner has preferred an appeal in C.A.No.1 of 2016 before the Principal District and Sessions Judge, Dindigul. Due to his non-appearance, Non-Bailable Warrant was issued against the petitioner on 12.07.2016.

3. The learned Counsel for the petitioner would further submit that the petitioner is ready to surrender before the first appellate Court and his bail application may be considered on the same day.



4. The learned Government Advocate (Crl.Side) has no serious objection.

5. Considering the facts and circumstances of the case, this Court directs the petitioner to appear and surrender before the first appellate Court, within a period of two weeks from the date of receipt of a copy of this order and file bail application and the same shall be considered on the same day.

With the above directions, this Criminal Original Petition is ordered.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS)

To:

1. The Principal District and Sessions Judge, Dindigul.
2. The Inspector of Police, Kallimanthayam Police Station, Dindigul District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.A.V.Arun, Advocate in SR.51028

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