



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2016

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Crl.O.P.(MD).No.17050 and 17007 of 2016

Rajasekar ..Petitioner in Crl.O.P(MD).17050/16

1. Manikandan
2. Sundarapandi
3. Raja

..Petitioners in Crl.O.P(MD).No.17007/16

Vs.

State rep. by its Inspector of Police,
Madhakupatti Police Station,
Sivagangai District.
(Crime No.177 of 2012)

.. Respondents in both Crl.O.Ps.

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned Principal District and Sessions Judge, Sivagangai to consider the warrant recall application if any, filed by the petitioners under Section 70(2) of Cr.P.C against the Non Bailable Warrant issued by the learned Principal District and Sessions Judge, Sivagangai in S.C.No.25 of 2015, dated 06.07.2016 and 04.06.2016 respectively. On their surrender on the same day.

Prayer in CRL OP(MD). 17007/ 2016 :

To direct the Principal District and Sessions Judge, Sivagangai to consider the Warrant recall application if any, filed by the petitioners under Section 70(2) of Cr.P.C against Non Bailable Warrant issued by the Learned Principal District and Sessions Judge, Sivagangai in SC NO. 25 of 2015 dated 06.07.2016 on their surrender on the same day.

For Petitioner : Mr. K.C. Ramalingam (in Both Crl.O.Ps)

For respondents : Mr.K. Anbarasan
Government Advocate (Criminal side)

ORDER

<https://hcservices.eas.gov.in/hcservices> The petitioners who are arrayed as accused Nos.2 to 5 seeking direction to the learned Principal District and Sessions Judge, Sivagangai to consider the warrant recall application if any,



filed by the petitioners under Section 70(2) of Cr.P.C against the Non Bailable Warrant issued by the learned Principal District and Sessions Judge, Sivagangai in S.C.No.25 of 2015, dated 06.07.2016 and 04.06.2016 respectively.

2. Mr. K.C. Ramalingam, the learned counsel appearing for the petitioners would submit that due to the non appearance of the petitioners Non Bailable Warrant was issued against the petitioners on 05.08.2016 and they are now ready to appear before the Sessions Court to recall Non Bailable Warrant and their averments may be considered on the same day.

3. The learned Government Advocate (Crl. Side) would submit that for the first time Non Bailable Warrant was issued against the petitioners on 05.08.2016 and they were regularly appearing before the trial Court earlier.

4. Considering the submissions made by the learned counsels on either side that non bailable warrant was issued against the petitioners for their absence, there shall be a direction, directing the petitioners to surrender before the learned Principal District and Sessions Judge, Sivagangai within 10 days from the date of receipt of a copy of this order and to file a petition for recalling the warrant and the learned Principal District and Sessions Judge, Sivagangai, is directed to consider the same on the same day of their surrender and pass orders on merits and in accordance with law.

5. With the above direction, the Criminal Original Petitions are disposed of.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge, Sivagangai.
2. Inspector of Police, Madhakupatti Police Station, Sivagangai District.
3. The Addl. Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+2cc to M/s.K.C.Ramalingam, Advocate SR.No.51754 and 51755

Crl.O.P. (MD) .No.17050 and 17007 of 2016

trp

SD/CK/23.09.2016/2P/6C