



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2016

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THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

Cr1.O.P(MD)Nos.17195, 17196, 17197, 17198 & 17199 of 2016**1.Cr1.O.P(MD)No.17195 of 2016:-**

Ravi Sharma,
Proprietor,
M/s.Avinga Textiles Corporation,
No.22, 3rd Street, Sakthi Nagar,
Pour, Chennai.

... Petitioner

-vs-

M/s.Rajaram Mills Private Limited,
Rajapalayam, Through one of its Director,
S.D.Selavaram Raja

... Respondent

Prayer:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the learned Judicial Magistrate, Rajapalayam to consider and pass orders on the same day on the petition filed by the petitioner under Section 70(2) Cr.P.C in C.C.No.334 of 2015 without insisting his presence.

2.Cr1.O.P(MD)No.17196 of 2016:-

Ravi Sharma,
Proprietor,
M/s.Avinga Textiles Corporation,
No.22, 3rd Street, Sakthi Nagar,
Pour, Chennai.

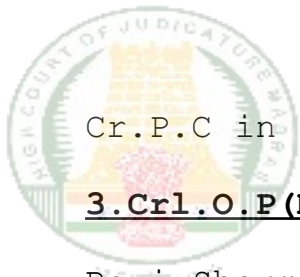
... Petitioner

-vs-

M/s.Sri Saravana Fabrics,
Through its partner K.B.Venkateswaran,
Rep. Through its Manager and
power of attorney M.Ramesh

... Respondent

Prayer:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the learned Judicial Magistrate, Rajapalayam to consider and pass orders on the same day on the petition filed by the petitioner under Section 70(2)



Cr.P.C in C.C.No.339 of 2015 without insisting his presence.

3.Cr1.O.P(MD)No.17197 of 2016:-

Ravi Sharma,
Proprietor,
M/s.Avinga Textiles Corporation,
No.22, 3rd Street, Sakthi Nagar,
Pour, Chennai.

... Petitioner

-vs-

M/s.Sri Saravana Fabrics,
Through its partner K.B.Venkateswaran,
Rep. Through its Manager and
power of attorney M.Ramesh

... Respondent

Prayer:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the learned Judicial Magistrate, Rajapalayam to consider and pass orders on the same day on the petition filed by the petitioner under Section 70(2) Cr.P.C in C.C.No.338 of 2015 without insisting his presence.

4.Cr1.O.P(MD)No.17198 of 2016:-

Ravi Sharma,
Proprietor,
M/s.Avinga Textiles Corporation,
No.22, 3rd Street, Sakthi Nagar,
Pour, Chennai.

... Petitioner

-vs-

M/s.Ram Mohan Textiles,
Rajapalayam, A partnership firm
through one of its partner,
K.C.Rammohan

... Respondent

Prayer:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the learned Judicial Magistrate, Rajapalayam to consider and pass orders on the same day on the petition filed by the petitioner under Section 70(2) Cr.P.C in C.C.No.335 of 2015 without insisting his presence.

5.Cr1.O.P(MD)No.17199 of 2016:-

Ravi Sharma,
Proprietor,
M/s.Avinga Textiles Corporation,
No.22, 3rd Street, Sakthi Nagar,



Pour, Chennai.

... Petitioner

-vs-

M/s.Sri Saravana Fabrics,
Through its partner K.B.Venkateswaran,
Rep. Through its Manager and
power of attorney M.Ramesh

... Respondent

Prayer:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the learned Judicial Magistrate, Rajapalayam to consider and pass orders on the same day on the petition filed by the petitioner under Section 70(2) Cr.P.C in C.C.No.337 of 2015 without insisting his presence.

For Petitioner : Mr.A.Shajahan
(in all Crl.O.P's)

ORDER

These Criminal Original Petitions are filed seeking direction to the learned Judicial Magistrate, Rajapalayam to consider and pass orders on the same day on the petition filed by the petitioner under Section 70(2) Cr.P.C in C.C.Nos.334, 339, 338, 335 and 337 of 2015 respectively without insisting his presence.

2.Heard the learned counsel for the petitioner and perused the materials available on record.

3.The learned counsel for the petitioner relying on a decision reported in **(2007) 2 MLJ (Cr1) 1668 [Sirugudugu Naga Venkata Durgakumari and others Vs. Sirugudu Jhansilakshmi]**, would submit that without surrender or appearance of the accused before the Court, their applications for re-call of Non-Bailable Warrant could be considered. It is further submitted that the petitioner undertakes to appear before the trial Court regularly for all future hearings till the conclusion of trial.

4.Following the above said decision and considering the submission of the learned counsel for the petitioner, the petitioner is directed to file an application under Section 70(2) Cr.P.C to re-call the warrant issued against him without surrendering before the Court and in the event of NBW being recalled, the petitioner shall appear before the Court below regularly for all the hearings except those days, his personal appearance is dispensed with, on filing necessary application under Section 317 Cr.P.C.



Sd/-
Assistant Registrar (CSII)

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Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Rajapalayam.

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

+5cc to Mr.A.Shajahan Advocate Sr.No.54805-54809

JAM/03.11.16/SS 2 /4p-8c

**Cr1.O.P(MD) Nos.17195, 17196, 17197,
17198 & 17199 of 2016**

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