

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 05.10.2016****CORAM:****THE HONOURABLE Mr. JUSTICE K.KALYANASUNDARAM****CrI.O.P. (MD) No.19175 of 2016****WEB COPY**

1.Abuthahir @ Appavu
2.Ibrahim
3.Musthafa
4.Bashith
5.Razul @ Rasheed
6.Bakrudeen

... Petitioners/Accused 1 to 6

Vs.

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

... Respondent / Complaint

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the Principal District and Sessions Judge, Dindigul to consider the petition under Section 70(2) Cr.P.C., for recalling the non bailable warrant issued in S.C.No.211 of 2009 against the petitioners on the same day of their surrender.

For Petitioner : Mr.D.Venkatesh
For Respondent : Mr.K.Anbarasan, G.A.(CrI.side)

ORDER

This Criminal Original petition is filed for a direction to the learned Principal District and Sessions Judge, Dindigul, to consider the petitioner's application to be filed under Section 70 (2) Cr.P.C. in S.C.No.211 of 2009.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.side) appearing for the respondent Police.

3.Mr.D.Venkatesh, learned counsel for the petitioner submitted that the occurrence has taken place in the year 2005. After investigation, the Deputy Superintendent of Police filed a final report in the year 2006, which was taken on file in P.R.C.No.25 of 2006. It is further submitted that originally the case was pending before the learned III Additional Sessions Judge (Special Court for PCR Cases), Madurai and it was transferred to the learned Principal District and Sessions Judge, Dindigul and renumbered as S.C.No.211 of 2009.

4.The learned counsel further submitted that petitioners are agricultural coolies and they had been regularly appearing before



the concerned court for more than 8 years and as they gone to neighbouring state for their livelihood, there were not able to appear before the Court on 05.09.2014. Therefore, non bailable warrant was issued against them. It is further submitted that the petitioners undertake to appear all future hearings and each of the petitioners are ready to pay cost of Rs.2,000/- to the Tamil Nadu Harijan Sevak Sangh, N.M.R.Subbaraman Memorial Residential Primary School Campus, 12, Dr.Thangaraj Road, Vinayaga Nagar, Opposite to Madurai Law College, Madurai - 20 (Cell No.9994657433).

5.Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner, each of the petitioners are directed to pay a sum of Rs.2,000/- as cost to the Harijan Seva Sangam within a period of one week from the date of receipt of a copy of this order. On production of receipt, the learned Principal District and Sessions Judge, Dindigul shall consider the application of the petitioners to be filed under Section 70(2) Cr.P.C. favourably.

6.The Criminal Original petition is disposed of accordingly.

Sd/-

Assistant Registrar (W)

/True copy/

Sub Assistant Registrar

To

1.The Principal District and Sessions Judge, Dindigul.

2.The Inspector of Police,
Sempatti Police Station,
Dindigul District.

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

Copy to:

Tamil Nadu Harijan Sevak Sangh,
N.M.R.Subbaraman Memorial Residential Primary School Campus,
12, Dr.Thangaraj Road, Vinayaga Nagar,
Opp.to Madurai Law College, Madurai - 20 (Cell No.9994657433)

+1 CC to M/s.D.VENKATESH, Advocate, SR No.59233

Cr1.O.P. (MD)No.19175 of 2016
05.10.2016