



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.7554 of 2016

N.Seethiah

... Petitioner

-vs-

State represented by
The Labour Enforcement Officer(Central),
Government of India,
Ministry of Labour and Employment,
Lady Doak College Road,
Chinna Chokkikulam,
Madurai-625 002.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Judicial Magistrate, Thirumangalam to accept the petitioner's recall warrant petition in unnumbered Cr.M.P.NO.... / 2016, dated 24.03.2016 on the file of the Judicial Magistrate, Thirumangalam.

For Petitioner : Mr.P.Saravana Kumar

For Respondents : Mr.P.Kandasamy

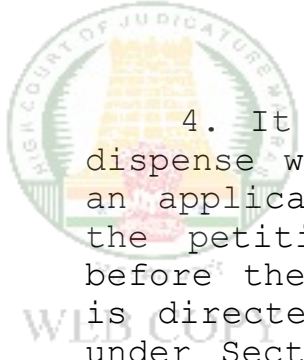
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition is filed by the petitioner seeking a direction to the learned Judicial Magistrate, Thirumangalam to recall the warrant without insisting upon the personal presence of the petitioner herein.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side), who takes notice for the respondent.

3. The learned Counsel appearing for the petitioner would submit that the offence alleged against the petitioner is under Sections 23 and 24 of the Contract Labour (Regulation and Abolition) Act, 1970, which are bailable offences. It is also represented that inspite of filing a petition to condone the non-appearance of the petitioner, it was dismissed and the petitioner had to face the Non-Bailable Warrant. Under such circumstances, the petitioner's petition has been filed seeking a direction to the learned Judicial Magistrate, Thirumangalam not to insist upon the personal presence of the petitioner.



4. It is settled law that in deserving cases, the Court can dispense with the personal presence of the accused, while filing an application to recall the warrant. Considering the fact that the petitioner has taken steps to explain his non-appearance before the Court, the learned Judicial Magistrate, Thirumangalam is directed to consider the application filed by the petitioner under Section 70(ii) Cr.P.C. without insisting upon the personal presence of the petitioner. Accordingly, this Criminal Original Petition is ordered.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub-Assistant Registrar

To:

1. The Judicial Magistrate , Thirumangalam.

2.The Labour Enforcement Officer(Central),
Government of India,
Ministry of Labour and Employment,
Lady Doak College Road,
Chinna Chokkikulam,
Madurai-625 002.

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

+One cc to M/s.P.Kalaiyarasi Bharathi, Advocate, SR.No.27784

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