



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASSC.R.L.RC(MD) Nos.111 & 137 of 2016

WEB COPY

Ramar @ Ramakrishnan

.. Petitioner / Petitioner
in both revisions

-vs-

The State, rep.by
Inspector of Police
Avaniyapuram Police Station
Madurai
(Crime No.717 of 2012... Respondent / Respondent
in both revisions

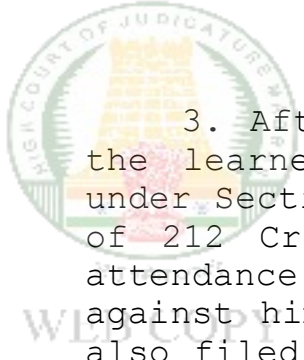
PRAYER (in C.R.L.RC(MD) No.111 of 2016): Criminal Revision Petition is filed, under Section 397 r/w 401 & 482 Cr.P.C., to call for the records pertaining to the order passed in Criminal M.P.No.377 of 2015 in S.C.No.361 of 2014, on the file of the Vth Additional Sessions Court, Madurai and quashing the same.

PRAYER (in C.R.L.RC(MD) No.137 of 2016): Criminal Revision Petition is filed, under Section 397 r/w 401 & 482 Cr.P.C., to call for the records pertaining to the order passed in Criminal M.P.No.376 of 2015 in S.C.No.361 of 2014, on the file of the Vth Additional Sessions Court, Madurai and quashing the same.

For Petitioner: Mr.M.Kalamurugappan
(in both revisions)For Respondent : Mrs.S.Prabha
(in both revisions) Govt.Advocate (Crl.Side)C O M M O N O R D E R

As both the revisions are connected, this common order is being passed.

2. The revision petitioner, who is A1 in S.C.No.361 of 2014, on the file of learned V Additional Sessions Judge, Madurai, has directed Crl.R.C.(MD) No.137 of 2016 to revise the Order of the Trial Court dismissing his Cr.M.P.No.376 of 2015 filed to exempt him from surrendering before the Trial Court to recall the N.B.W., issued against him and his Crl.R.C.(MD) No.111 of 2016 is to revise the order of the Trial Court dismissing his Cr.M.P.No.377 of 2015, which has been filed to recall the N.B.W., issued against



3. After commitment, the sessions case is being tried before the learned V Additional Sessions Judge, Madurai. Formalities under Section 207 Cr.P.C., is over. Now, the case is at the stage of 212 Cr.P.C. At this stage, as he had failed to mark his attendance before the Court, the Trial Court issued N.B.W., as against him. He filed Cr.M.P.No.377 of 2015 to recall it and he also filed Cr.M.P.No.376 of 2015 to exempt his personal appearance before the Trial Court.

4. However, the Trial Court dismissed both the petitions giving rise to filing of these revisions.

5. Earlier, in warrant recall petitions, surrender petition and surrender of the accused was also insisted upon. Now, it is not a condition precedent that the accused should surrender before the Court (See *S.Sundar vs. State, Inspector of Police, Vigilance and Anti-Corruption, Chennai, 2016-1-L.W.(Cr1) 506*).

6. Now, in this case, some apprehension as to his life has been expressed. That will be there everywhere. If it is true, he should seek appropriate relief from appropriate authorities.

7. However, dispensing of the personal appearance of the accused in Criminal Courts is now not discouraged. Such a request can be approached with liberal attitude, as there used to be crowds in the Criminal Courts distracting the attention of the Public Prosecutor, defence counsel and the Judge. It is quite a sickening sight, when the presence of an accused is really not required and when the case is not posted for any effective hearing, why should a Criminal Court be a crowd-puller wasting everyone's precious time more particularly under our criminal justice system there is no principle of noticing the demeanor of the accused.

8. The learned counsel for the revision petitioner submitted that the revision petitioner will co-operate with the trial proceedings. He has also submitted that a counsel has been engaged in the Trial Court to defend the revision.

9. In view of the above deliberations, the impugned common order suffers from legality:

- (i) These criminal revisions are allowed.
- (ii) The common Order, dated 08.01.2016, passed in CrI.M.P.Nos.376 & 377 of 2015 in S.C.No.361 of 2014, by the learned Vth Additional Sessions Judge, Madurai, is set aside.
- (iii) The Trial Court will recall the N.B.W. against the revision petitioner.
- (iv) There shall be two sureties, they shall be the wife and father of the petitioner and they



shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the said Judge.

(v) The personal appearance of the revision petitioner before the Trial Court is dispensed with.

(vi) However, as and when so ordered by the Trial Court for any effective hearing, he shall appear. Incase, if he fails to do so, the Trial Court will enforce his attendance by taking coercive action.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The Vth Additional Sessions Judge,
Madurai.
- 2.The Government Advocate (Criminal Side),
Madurai Bench of Madras High Court,
Madurai.
- 3.The Inspector of Police,
Avaniyapuram Police Station,
Madurai.

+2ccs to Mr.M.Kalamurugappan, Advocate, SR.Nos.27725 and 27726

krk

RL/6C/3P/SKS/RR/SARI/7/6/2016

C.R.L.RC (MD) Nos.111 & 137 of 2016

03.06.2016