



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

WEB COPY

Crl.RC(MD) Nos.316 and 320 of 2016
and Crl.M.P.(MD) No.4145 and 4202 of 2016

Joel @ Joel Singh

... Petitioner/Respondent in both
petitions

-vs-

State Rep. by the Sub Inspector of Police,
C.S.C.I.D.,
Tirunelveli.

... Respondent/Petitioner in both
petitions

PRAYER: Criminal Revision Petitions are filed, under Section 397 r/w 401 Cr.P.C., to set aside the order passed by learned Judicial Magistrate No.II, Tirunelveli in Cr.M.P.No.966 of 2016 in S.T.C. No.30 of 2012 and Cr.M.P. No.967 of 2016 in S.T.C.No.3 of 2016 respectively dated 22.04.2016.

For Petitioner : Mr.D.Christenson Jugunu
For Respondent : Mrs.S.Prabha
Govt.Advocate (Crl.Side)

COMMON ORDER

Cases are different, but not the accused and the points involved. So, single order.

2.Petitioner is being prosecuted in the two cases registered by the Civil Supplies C.I.D. The Cases are of the year 2012. He seems to have forgotten the Court, but not the Court. So, NBW has been issued. However, in view of his back history, the Trial Court refused to recall the NBWs.

3.The learned counsel for the petitioner submitted that the petitioner has been attacked with paralysis. But the progress of the case cannot be paralysed. He cannot be allowed to derail the trial. In this connection, the learned counsel for the petitioner submits that because of certain reasons beyond his control, he had failed to mark his presence in the trial Court. He will cooperate for the early disposal of the case.



(1) The impugned orders passed by the learned Judicial Magistrate No.II, Tirunelveli in Cr.M.P.No.966 of 2016 in S.T.C. No.30 of 2012 and in Cr.M.P. No.967 of 2016 in S.T.C.No.3 of 2016 are set aside.

(2) Surrender of the accused or presence of the accused as a condition precedent to recall the N.B.Ws shall not be insisted upon.

(3) The learned Magistrate is directed to restore the recall petitions and recall the NBWs.

(4) However, for every effective hearing, as and when so ordered by the Magistrate, the petitioner shall appear before the Magistrate.

(5) In default, the learned Magistrate will enforce his attendance by taking coercive action, unless his absence on a particular day is condoned on a petition by the learned Magistrate.

Accordingly, these Criminal Revision petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Chief Judicial Magistrate,
Tirunelveli.
- 2.The Judicial Magistrate No.II,
Tirunelveli.
- 3.The Additional Public prosecutor
Madurai Bench of Madras High Court,
Madurai.
- 4.The Sub Inspector of Police,
C.S.C.I.D.,Tirunelveli.

+2cc to Mr.D.Christenson Jugunu,Advocate Sr.No.28069,28070
sj
AA/DB/13.06.2016/2p-7c

Cr1.RC(MD) Nos.316 and 320 of 2016
and Cr1.M.P.(MD) No.4145 and 4202 of 2016
06.06.2016