

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.Nos.3001 and 3002 of 2017

Sujatha ... Petitioner in
Crl.O.P.No.3001/17

R.Shanmugam ... Petitioner in
Crl.O.P.No.3002/2017

Vs

K.Sudhakar ... Respondent in
both the Crl.O.Ps.

Criminal Original Petitions filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate, Fast Track Court No.II, (Magistrate Level), Coimbatore, to accept the surrender of the petitioners and recall the non bailable warrant issued on 9.1.2017 in C.C.Nos.219 and 220 of 2016 respectively on the same day.

For Petitioner : Mr.S.Senthilkumar,
in both the petitions.

COMMON ORDER

The present criminal original petitions have been filed seeking a direction to the learned Judicial Magistrate, Fast Track Court No.II, (Magistrate Level), Coimbatore, to accept the surrender of the petitioners and to recall the non bailable warrant issued on 9.1.2017 in C.C.Nos.219 and 220 of 2016 respectively on the same day.

2. It is the case of the petitioners that the respondent herein filed private complaints as against the petitioners under Section 138 read with 142 of the Negotiable Instruments Act and the same were taken on file as C.C.Nos.246 and 245 of 2013 by the learned Judicial Magistrate No.V, Coimbatore, which were subsequently transferred to the file of learned Judicial Magistrate, Fast Track Court No.II, (Magistrate Level), Coimbatore, and renumbered as C.C.Nos.219 and 220 of 2016 respectively. After trial, both the cases were posted for judgment on 9.1.2017 and the petitioners were convicted and sentenced to undergo one year simple imprisonment each and

ordered to pay compensation for the cheque amount. Due to heavy traffic, the petitioners could not attend the Court on that day. Hence, non-bailable warrant was issued against the petitioners on 9.1.2017. As against the said conviction, the petitioners preferred appeals before this Court in C.A.Nos.17 and 18 of 2017 and this Court has also admitted the said appeals. Along with the said appeals, the petitioners have filed petitions in CrI.M.P.Nos.173 and 174 of 2017 seeking suspension of sentence, but the said petitions were dismissed by this Court and this Court directed the trial Court to secure the petitioners herein. Hence, the petitioners filed petitions before the learned Judicial Magistrate, Fast Track Court No.II, (Magistrate Level), Coimbatore, to recall the non-bailable warrant, but, the same were returned on the same day. Hence, the present petitions.

3. Considering the facts and circumstances of the case, the petitioners are directed to appear before the learned Judicial Magistrate, Fast Track Court No.II, (Magistrate Level), Coimbatore, within a period of two weeks from the date of receipt of a copy of this order and the learned Judicial Magistrate, Fast Track Court No.II, (Magistrate Level), Coimbatore, is directed to pass appropriate orders. Both the Criminal Original Petitions are ordered accordingly.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Judicial Magistrate,
Fast Track Court No.II,
(Magistrate Level),
Coimbatore.

+2 cc's to Mr.S.Senthilkumar, advocate,sr.9774, 9773

lrs(co)
krd 17/2

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3002 of 2017