

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2017

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

CRL.R.C.No.1394 of 2017
and
CRL.M.P.No.13701 of 2017

Kizhakke Parambath Rajesh Kumar .. Petitioner/Accused No.1

Vs.

Station House Officer
Pallor P.S.

.. Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w.401 Criminal Procedure Code to set-aside the order dated 8th August 2017 in Crl.M.P.No.3892 of 2017 on the file of the Judicial Magistrate, Mahe pending disposal of the Criminal Revision Case SR.NO.48546 of 2017.

For Petitioner : Mr.V.K.Sathiamurthy

For Respondent : Mr.D.Bharath Chakravarthy
Public Prosecutor for Puducherry

O R D E R

The dismissal of the petition filed under section 70 (2) Cr.P.C to recall the Non-Bailable Warrant dated 03.07.2017, by the order dated 08.08.2017 is under challenge in this Criminal Revision Case.

2.The learned Magistrate has chosen to dismiss the petition to recall the warrant on the ground that the petitioner had left India and found absconding for the past ten years and therefore Non-Bailable Warrant came to be issued.

3.The learned Public Prosecutor was asked to ascertain whether the petitioner had left India, after receiving the summons in the above case

3.1 On instructions the learned Public Persecutor submitted that before leaving India, the accused was not served with any summons.

4. Under the circumstances, when the accused has left the country without the knowledge of pending case, his conduct

cannot be branded as an absconding. Under the circumstances, the order dismissing the petition to recall the warrant is set-aside.

5. There is an undertaking on behalf of the accused that he will co-operate for the speedy disposal of the case and there would not be any delay on the side of the accused in completing the Trial.

6. The said undertaking is recorded. The accused will appear before the learned Judicial Magistrate, Mahe, within a period of ten days from the date of receipt of a copy of this order. On his appearance, the learned Magistrate would recall the warrant and would proceed further in the matter without any further delay.

7. With the above directions, this Criminal Revision Case is ordered. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Station House Officer
Pallor P.S.
2. The Public Prosecutor for Puducherry.
3. the Judicial Magistrate, Mahe.

+2cc to Mr.C.RAJAN Advocate, S.R.No. 79061

CrI.R.C.No.1394 of 2017 and
CrI.M.P.No.13701 of 2017

RJ(CO)
TR(13/02/2018)

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