

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P. No.5282 of 2017

Dinesh Sathe

... Petitioner

Vs

1.State rep. by
The Inspector of Police,
Central Crime Branch,
EDF-III, Egmore,
Chennai-600 008.

2.M/s.Amman Try Sponge and Power (P) Ltd.,
Rep by its General Manager,
K.Chandrasekaran,
No.46, Usman Ali Street,
TVS Tollgate, Trichy 620 020.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Judicial Magistrate No.1, Poonamallee to consider the Recall Petition filed by the Petitioner in C.C.No.43 of 2015 in Crime No.131 of 2012.

For Petitioner : Mr.T.R.Sundaram.

For 1st Respondent : Mr.C.Emalias, APP

ORDER

The petitioner has come up with the present petition seeking a direction to the learned Judicial Magistrate No.1, Poonamallee, to consider his petition to recall the warrant issued against him in CC.No.43 of 2015, pending on his file.

2. The case of the petitioner is that he was arrayed as A2 and he is facing prosecution along with other accused for the offence punishable under Section 138 of the Negotiable Instruments Act, in C.C.No.43 of 2015 on the file of the learned Judicial Magistrate No.1, Poonamallee. Due to his non-appearance, the learned Magistrate has issued non-bailable warrant against him in the said case. On coming to know about

the same, the petitioner has filed the present petition for the above stated relief.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent, and he is in no way connected with the alleged offence as claimed by the second respondent/de-facto complainant. Learned counsel further submitted that the petitioner is ready and willing to appear before the learned Magistrate and to co-operate with the trial.

4. Heard the learned Additional Public Prosecutor appearing for the 1st respondent.

5. Considering the facts and circumstances of the case and also taking note of the submissions made by the learned counsel for the petitioner, this Court directs the petitioner to appear before the learned Judicial Magistrate No.1, Poonamallee, and file a petition under Section 70(2)Cr.P.C. to recall the warrant issued against him in C.C.No.43 of 2015 and on filing of such petition, the learned magistrate shall consider the same and pass appropriate orders on merits and in accordance with law, on the same day.

6. With the above directions, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Central Crime Branch,
EDF-III, Egmore,
Chennai-600 008.
2. The Judicial Magistrate No.1,
Poonamallee.
3. The Public Prosecutor,
High Court, Madras 600 104.

+2cc to Mr.T.R.Sundaram, Advocate Sr.16475

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srg 3/4/2017