

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.16 of 2017

J.Ramalingam

.. Petitioner

Vs.

The State represented by
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Assistant Sessions Judge, Hosur, passed in Crl.M.P.No.230 of 2016 in S.C.No.66 of 2016 on 19.12.2016.

For Petitioner : Mr.I.Paul Noble Devakumar

For Respondent : Mr.M.Mohamed Riyaz

Government Advocate [Crl.side]

O R D E R

This revision challenges the order of learned Assistant Sessions Judge, Hosur, passed in Crl.M.P.No.230 of 2016 in S.C.No.66 of 2016 on 19.12.2016 .

2. Petitioner faced trial in S.C.No.66 of 2016 on the file of learned Assistant Sessions Judge, Hosur. Owing to the non-appearance of petitioner, a non-bailable warrant came to be issued against him. Petitioner moved Crl.M.P.No.230 of 2016 in S.C.No.66 of 2016, through his counsel, seeking recall of non-bailable warrant. Court below, under order dated 19.12.2016, dismissed the petition. Hence, this revision.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side] for respondent.

4. In dismissing the petition, Court below taken the view that the petitioner has not made himself available over a period of six long years. It is seen that though NBW was issued on 30.05.2011, petitioner has, been in custody in connection with another case thereafter but the NBW had not been executed.

Taking such fact into consideration and recording the statement of learned counsel for petitioner that petitioner will appear before the Court below on 06.02.2017 and on all hearing dates without fail except when his presence is dispensed with by moving a petition u/s. 317 Cr.P.C., this Court directs the petitioner to appear before the Court below on 06.02.2017 and all hearing dates except on the dates when his presence is dispensed with by way of orders on petitions filed u/s.317 Cr.P.C.

5.Taking note of the fact that the occurrence is of the year 2000 and the case has been split up as against this petitioner in 2006, Court below is directed to dispose of the case in S.C.66 of 2016 as expeditiously as possible, in any event, not later than 2 months from the date of receipt of this order. With the above observations, the Criminal Revision stands disposed of.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The Assistant Sessions Judge, Hosur

2.The Public Prosecutor,
High Court, Chennai.

+1 cc to M/s.I.Paul Noble, advocate, sr.1066.

cnr(co)
krd 18/1

सत्यमेव जयते Cr1.R.C.No.16 of 2017

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