

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

CrI.O.P.No.7294 of 2017

P.Gopi

[ Petitioner]

Vs

1.M/s.Vedadri Maharishi Kundalini Yoga &  
Kayakalpa Research Foundation,  
rep.by Mr.Muruganandam (C.E.O.),  
situated at Aliyar, Pollachi,  
Coimbatore District.

2.State rep.by its  
Inspector of Police,  
R-2 Kodambakkam Police Station,  
Chennai-600 024.

[Respondents]

Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Judicial Magistrate, Sriperumbudur, Kancheepuram District to accept the surrender of the petitioner and consider the Warrant Recall Application filed by the petitioner in connection with the case in S.T.C.No.467 of 2015 on the same day.

For Petitioner : Mr.C.V.Kumar

For Respondents : Mr.C.Emalias,  
Additional Public Prosecutor for R2

O R D E R

A complaint was made by the first respondent against the petitioner, before the learned Judicial Magistrate, Sriperumbudur, Kancheepuram District under Section 138 of the Negotiable Instruments Act, and the same was taken on file in S.T.C.No.467 of 2015. The dispute relates to purchase of battery car for the first respondent - Research Foundation, from M/s.Carieall Car (P) Ltd., Chennai, in which the petitioner herein is the Managing Director. Subsequently there arose a settlement between the parties. Since the petitioner had not appeared before the Trial Court on 26.12.2016 in respect of the case in S.T.C.No.467 of 2015, non-bailable warrant was issued against him and till now the same is pending execution. Now the petitioner has come up with the present Criminal Original

Petition seeking to consider his Warrant Recall Application in connection with the above case, on the same day of his appearance before the Trial Court.

2.The learned counsel for the petitioner submits that the petitioner is not involved in the case, as alleged by the first respondent; that he will attend the Court without fail hereafter and that he will not evade the due process of law. Stating so, the learned counsel for the petitioner prayed for allowing this Criminal Original Petition.

3.Mr.C.Emalias, learned Additional Public Prosecutor, takes notice for the second respondent.

4.Heard both sides.

5.Considering the facts and circumstances of the case, the learned Judicial Magistrate, Sriperumbudur, Kancheepuram District, is directed to accept the surrender of the petitioner and consider his Warrant Recall Application on the very same day purely on the basis of merits and to pass suitable orders, in the event of the petitioner surrendering before the said court within 15 days from today and filing of petition seeking recall of warrant.

6.This petition is ordered accordingly.

Sd/-  
Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,  
R-2 Kodambakkam Police Station,  
Chennai-600 024.

2.The Judicial Magistrate,  
Sriperumbudur,  
Kancheepuram District.

3.The Public Prosecutor,  
Madras High Court,  
Chennai-600 104.

+1 cc to Mr.C.V.Kumar,advocate,sr.23044.

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krd 21/4

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