

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

CrI.O.P. No.4725 of 2017

S.Gunasekaran

... Petitioner

versus

S.Dhandapani

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate, Fast Track Court No.II [Magisterial Level], Coimbatore to accept the surrender of the petitioner and recall the Non Bailable Warrant issued on 16.02.2017 in C.C.No.318 of 2014 on the same day.

For Petitioner : Mr.S.Senthilkumar

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Fast Track Court No.II [Magisterial Level], Coimbatore, to accept the surrender of the petitioner and recall the Non Bailable Warrant issued on 16.02.2017 in C.C.No.318 of 2014 on the same day.

2. It is the case of the petitioner that the respondent herein filed private complaint as against the petitioner under Section 138 read with 142 of the Negotiable Instruments Act and the same was taken on file as C.C.No.127 of 2014 by the learned Judicial Magistrate No.V, Coimbatore, which was subsequently transferred to the file of the learned Judicial Magistrate, Fast Track Court No.II, (Magistrate Level), Coimbatore, and renumbered as C.C.No.318 of 2014. After trial, the case was posted for judgment on 16.02.2017 and the petitioner was convicted and sentenced to undergo one year simple imprisonment and ordered to pay a fine of Rs.10,000/- in default to pay the fine amount to undergo two months simple imprisonment under Section 255(2) Cr.P.C.

3. On 16.02.2017, the petitioner was unable to attend the Court. Hence, Non Bailable Warrant was issued against the petitioner. As against the said conviction, the petitioner preferred an Appeal in C.A.No.47 of 2017 before the Hon'ble Principal District and Sessions Judge, Coimbatore and the same was admitted. Along with the said an appeal, the petitioner has filed petition in Crl.M.P.No.501 of 2017 seeking suspension of sentence, but the said petition was dismissed by the Hon'ble Principal District and Sessions Judge, Coimbatore and also directed the trial Court to secure the petitioner herein. Hence, the petitioner filed petition 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 petition.

4. Considering the nature of the prayer sought for and taking note of the fact that the petitioner is prepared to surrender before the learned Judicial Magistrate, Fast Track Court No.II, (Magistrate Level), Coimbatore, there shall be a direction to the learned Judicial Magistrate, Fast Track Court No.II, (Magistrate Level), Coimbatore, to accept the surrender of the petitioner and recall the Non Bailable Warrant issued on 16.02.2017 in C.C.No.318 of 2014, on the same day, on merits and pass appropriate orders.

5. With the above direction, the Criminal Original Petition is disposed of.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sri
TO

1. The Judicial Magistrate,
Fast Track Court No II,
(Magistrial level)
Coimbatore.
 2. Do-Through-The Judicial Magistrate,
Coimbatore.
- +lcc to Mr.S. Senthilkumar, Advocate, sr 14785

Crl.O.P. No.4725 of 2017

EV(co)
RMP(13/03/17)