

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2135 of 2017

T.Shanmuga Sundaram

... Petitioner/Accused

Vs

The State rep. by :

The Inspector of Police,
District Crime Branch,
Erode Town Police Station,
Erode District.

Crime No.1987 of 2011.

... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the trial court to consider the recall petition to be filed by the petitioner on the same day for recall of the non-bailable warrant issued by the trial court in connection with the case in C.C.No.12 of 2016 on the file of the Chief Judicial Magistrate Court, Erode, pending trial.

For Petitioner : Mr.R.Prabakar

For respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed to seeking a direction to the learned Chief Judicial Magistrate, Erode, to consider the petitioner's warrant recall application on the same day in C.C.No.12 of 2016.

2. On the basis of the complaint given by the defacto complainant, namely, P.Chellamuthu, a case has been registered in C.C.No.12 of 2016 for the offences punishable under Sections 420, 506(i) IPC.

4. Learned counsel appearing for the petitioner submitted that since the petitioner was not aware of the case, he has not attended the proceedings. Since he did not appear

before the Court, the learned Chief Judicial Magistrate has issued non-bailable warrant against him on 05.01.2017. Thus, he sought for a direction to the learned Chief Judicial Magistrate, Erode, to consider his non-bailable warrant recall application on the same day in C.C.No.12 of 2016.

5. Considering the submission made by the learned counsel appearing for the petitioner, this Court directs the petitioner to appear before the trial court within a period of two weeks from the date of receipt of a copy of this order by filing an application under Section 70(2) Cr.P.C to re-call the warrant in respect of C.C.No.12 of 2016 and also by filing an affidavit before the concerned Court to the effect that he will appear before the said Court on all the hearing dates without fail and in the event of filing such an application, the learned Chief Judicial Magistrate, Erode, is directed to consider the same on the same day on merits and pass appropriate orders. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Chief Judicial Magistrate,
Erode.
2. The Inspector of Police,
District Crime Branch,
Erode Town Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.Prabakaran, Advocate, S.R.No.6686

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NMI (CO)
CA(15/02/2017)