

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2190 of 2017

N.Anbalagan

... Petitioner

Vs

1.The State, rep. By
The Inspector of Police,
Coonoor Town Police Station,
Coonoor, The Nilgiris.

2.Ms.Helen Margaret

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order of the learned Judicial Magistrate, Coonoor in C.M.P.No.161 of 2017 in C.C.No.07 of 2004 dated 10.01.2017 and to recall the witness warrant issued against the petitioner and permit the petitioner to appear before the Trial Court after 28.02.2017.

For Petitioner : Mr.Thangavadhana Balakrishnan

For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The present petition has been filed to recall the witness warrant issued against the petitioner in C.C.No.07 of 2004 on the file of the learned Judicial Magistrate, Coonoor and permit the petitioner to appear before the Trial Court after 28.02.2017.

2. The learned counsel appearing for the petitioner submit that the petitioner is one of the witnesses in C.C.No.07 of 2004 and he could not appear before the Court below to give evidence due to a peculiar disease he is suffering, and it prevented him from appearing before the trial Court. The learned counsel for the petitioner further submitted that the petitioner is ready and willing to appear before the trial court and file a petition to recall warrant and also to depose before the trial Court on a date to be fixed.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that the case was pending from the year 2004 and already there was a direction issued by this court on 02.03.2016 to dispose of the C.C.No.7 of 2004 within a period of six months from the date of receipt of a copy of that order. Except the petitioner, all other witnesses have been examined in the case. Due to non appearance of the petitioner the trial is pending before the court below.

4. Taking into consideration the facts and circumstances of the case, particularly the C.C.No.7 of 2004 is pending from the year 2004 and also considering the medical ailment said to have been suffered by the petitioner, the petitioner is directed to appear before the learned Judicial Magistrate, Coonoor on 06.03.2017 and file a petition to recall the witness warrant and on such petition being filed, the learned Judicial Magistrate, Coonoor is directed to recall the warrant and permit the petitioner to depose and to cross examine him on the very same day. If the petitioner, for any reason, did not appear on that day, the respondent police is directed to execute the witness warrant issued against him.

5. With the above direction, the criminal original petition is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Coonoor, The Nilgiris.

2. The Public Prosecutor,
High Court, Madras-104.

+1cc to M/S.Thangavadhana Balakrishnan, Advocate Sr.7191

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