

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25812 of 2017

S.Premkumar

.. Petitioner

Vs.

1. Sagadevan

2. State Rep by,
The Inspector of Police,
Shevapet Police Station,
Thiruvallur District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Judicial Magistrate, Fast Track Court, Magisterial Level, Thiruvallur to recall the Non Bailable Warrant issued against the petitioner in C.C.No.142 of 2013 on the file of the Judicial Magistrate, Fast Track Court, Magisterial Level, Thiruvallur.

For Petitioner : Mr. R.Sasi Kumar

For Respondent 1 : No appearance

For Respondent 2 : Mr. C.Iyyapparaj
Additional Public Prosecutor

ORDER

This petition is filed praying to direct the Judicial Magistrate, Fast Track Court, Magisterial Level, Thiruvallur to recall the Non Bailable Warrant issued against the petitioner in C.C.No.142 of 2013 on the file of the Judicial Magistrate, Fast Track Court, Magisterial Level, Thiruvallur.

2. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing on behalf of the second respondent.

3. The grievance of the petitioner is that while the judgment was pronounced on 14.11.2017, he could not be present and therefore Non Bailable Warrant was issued. The prayer in the present petition is to recall the Non Bailable Warrant in C.C.No. 142 of 2013, since the final judgment has been pronounced in the said case, the question of recalling the

warrant by invoking the section 482 Cr.P.C. may not be maintainable. It is always open to the petitioner to file an appeal against the judgment in C.C. No. 142 of 2013.

4. At this Juncture, the learned counsel for the petitioner submits that he has also made an application seeking for certified copies of the judgments. Once the orders are made ready, he would prefer an appeal and seek for recall of the warrant in the appeal.

5. In view of the above, there shall be a direction to the learned Judicial Magistrate, Fast Track Court, Magisterial Level Thiruvallur to issue certified copies of the judgment in C.C. No. 142 of 2013 dated 20.11.2017, if the copy application is otherwise in order within a period of one week from the date of receipt of a copy of this order.

6. With the above observation, this Criminal Original Petition is disposed of. It is always open to the petitioner to seek for the suspension of the sentence in the appeal.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

aav/nl
To

1. The Judicial Magistrate,
Fast Track Court,
Magisterial Level,
Thiruvallur.

2. The Inspector of Police,
Shevapet Police Station,
Thiruvallur District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sasikumar, Advocate SR.No.84822

CrI.O.P.No.25812 of 2017

GMR (CO)
sm:6.12.2017