

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.28107 of 2017

V.Anandavel

... Petitioner

Vs

State rep. by

The Inspector of Police,
Vellankani Police Station,
Nagapattinam District.
(Crime No.2011 of 2009)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate No.I, Nagapattinam in C.C. No. 328 of 2010 to accept the surrender of the petitioner and to consider the warrant recall petition to be filed under Section 70(2) of Cr.P.C.

For Petitioner : Mr.K.M.Subramanian

For Respondent : Mr.V.Arul
Additional Public Prosecutor

ORDER

The petitioner has filed the present petition seeking a direction to the learned Judicial Magistrate No.I, Nagapattinam in C.C. No. 328 of 2010 to accept his surrender and to consider the warrant recall petition to be filed by him under Section 70 (2) of Cr.P.C.

2.Heard both sides.

3.It is submitted by the learned counsel for the petitioner that since the petitioner went to Kerala to do coolie work, he could not able to attend the Court proceedings in C.C. No. 328 of 2010 pending on the file of the learned Judicial Magistrate No.I, Nagapattinam. Hence, the petitioner has filed a petition under Section 317 Cr.P.C to condone the absent of the petitioner, which came to be dismissed by the learned Magistrate on 26.08.2013 and a non-bailable warrant was issued against the petitioner on the same day.

4.The learned counsel for the petitioner further submitted that he is ready to surrender before the learned Judicial Magistrate No.I, Nagapattinam and has also undertakes to appear for all hearings without fail.

5.In view of the submissions made by the learned counsel, the petitioner is directed to appear before the learned Judicial Magistrate No.I, Nagapattinam and to file necessary application and on filing of such application, the learned Magistrate shall consider the same on the same day in accordance with law.

6.With the above directions, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.I,
Nagapattinam

2. The Inspector of Police,
Vellankani Police Station,
Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

Crl.O.P.No.28107 of 2017

GN(17/01/2018)

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