



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.A.(MD)No.120 of 2017

Murugan .. Petitioner/sole Accused/ sole Accused

Vs.

State rep. by

1. The Deputy Superintendent of Police
Tenkasi,
Tirunelveli District.

2. The Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.

(Crime No.549 of 2013) .. Respondents/Complainant/ Complainant

Prayer: This Criminal Appeal is filed under Section 14 A (2) of SC/ST (POA) Act 1989 to allow this appeal and to enlarge the petitioner on bail in P.R.C.No.21 of 2014 in connection with Crime No.549/2013 on the file of the respondents police.

For Petitioner : Mr.R.Sadagoban Rengasamy

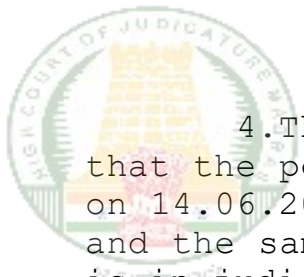
For Respondents : Mr.K.V.Rajarajan
Government Advocate (Crl.Side)

JUDGMENT

The Criminal Appeal has been filed against the dismissal order of the learned II-Additional Sessions (PCR) Judge, Tirunelveli, made in Crl.M.P.No.635 of 2017 in P.R.C.No.21 of 2014, dated 14.03.2017.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents and perused the materials placed before this Court.

3.The learned counsel for the petitioner submitted that the petitioner was regularly attending the Court and since he was suffering from jaundice, he was not able to attend the Court on 14.06.2016. Hence non-bailable warrant was issued against the petitioner and prays for bail.



4. The learned Government Advocate (Crl.Side) would submit that the petitioner jumped out bail and failed to attend the Court on 14.06.2016. Hence non-bailable warrant was issued to secure him and the same was executed on 03.03.2017. Since then the petitioner is in judicial custody.

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5. Perusal of the materials shows that the Trial Court has considered the petitioner's bail petition and has held that due to his absence, the case could not be proceeded further and there is no reason to enlarge the petitioner on bail. The reasons stated by the Trial Court is legally and factually correct and there is no grounds to interfere the order, though the matter involves the personal liberty of the petitioner. To mitigate the inconvenience, the learned Judicial Magistrate, Tenkasi is directed to commit the case to the Court of Sessions at the earliest. On such committal, the Sessions Court shall proceed with the trial and dispose of the matter within a period of six months thereupon. With these directions, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

TO

1. THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
(PCR COURT), TIRUNELVELI.

2. THE JUDICIAL MAGISTRATE, TENKASI.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
TENKASI, TIRUNELVELI DISTRICT.

4. THE INSPECTOR OF POLICE,
TENKASI POLICE STATION, TIRUNELVELI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

PJL

MAS/MR/SAR4:28.04.2017:2P-6C

Crl.A. (MD) No.120 of 2017
19.04.2017