



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL MP (MD) No.3582 of 2017

IN

CRL OP (MD) No.3581 of 2017

KATTURAJA

... PETITIONER/ PETITIONER /
ACCUSED No.4

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT
(CRIME NO. 512 OF 2005)

... RESPONDENT / RESPONDENT /
COMPLAINANT

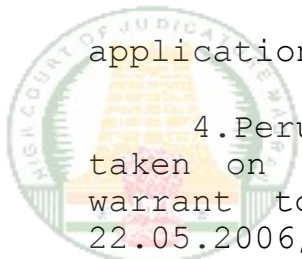
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to extend the time in Crl.O.P.No.3581 of 2017 dated 27.03.2017

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.J.CHAKKRAVARTHY, Advocate for the petitioner and of MRS.S.PRABHA, Government Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to extend the time in Crl.O.P.(MD) No.3581 of 2017 dated 27.03.2017.

2.Heard both sides.

3.It is submitted by the learned counsel for the petitioner that while this Court disposed of the anticipatory bail application filed by the petitioner in Crl.O.P.(MD) No.3581 of 2017, this Court directed to the petitioner to surrender before the learned I Additional Special Judge (NDPS and EC Act Cases), Madurai and to file a petition for recalling the warrant within 10 days from the date on which the order copy made ready, where non bailable warrant ins pending in C.C.No.289 of 2006 and the learned Judge was directed to consider the same on the same day and pass orders on merits and in accordance with law. However, when the petitioner was surrendered before the Court concerned, the learned Additional Special Judge, returned the same stating that non bailable warrant is pending against the petitioner since 2006, however, the petitioner misrepresented the High Court and obtained the order. Therefore, the petitioner has come forward with the present



application.

4.Perusal of the records would show that when the case was taken on file on 16.02.2006, the Court had issued non bailable warrant to A3 and A4, however, in the next hearing i.e. on 22.05.2006, the Court inadvertently issued fresh summons to A1 to A4, without the knowledge of non bailable warrant issue against them earlier. Further, on 09.09.2015, the Court had issued non bailable warrant to A2 and A3 for the second time.

5.Considering the facts and circumstances of the case, this Court issued the following direction:

The petitioner is directed to resubmit the surrender petition and other petition before the trial Judge, within a period of 15 days from the date on which the order copy is made ready and the trial Judge is directed to accept the surrender and consider the bail application filed by the petitioner in C.C.No.289 of 2006 on the same day on merits and in accordance with law.

sd/-
27/04/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE I ADDITIONAL SPECIAL JUDGE
(NDPS AND EC ACT CASES), MADURAI
- 2 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. C.C. to Mr.S.J.CHAKKRAVARTHY Advocate SR.No.21301

JAM/02.05.17/BS/SAR 4 / 2P-5C

ORDER
IN
CRL MP(MD) No.3582 of 2017
IN
CRL OP(MD) No.3581 of 2017
Date :27/04/2017