



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD).No.14068 of 2017

P.Anbalagan . . . Petitioner/Accused No.2

Vs.

The Inspector of Police,
Kattupudur Police Station,
Trichy District.

. . . Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Principal Subordinate Court, Trichy, to consider the warrant recall petition on the surrender of the petitioner/accused No.2 on the same day in connection with S.C. No.174 of 2013 in Crime No.7 of 2011 on the file of the respondent police, dated 19.09.2017 on merits on the same day.

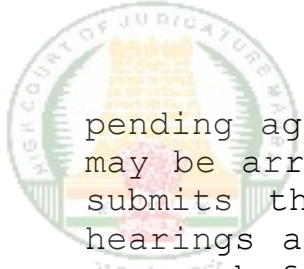
For Petitioner : Mr.J.Jeyakumaran
For Respondent : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the learned Principal Subordinate Judge, Trichy, to consider the warrant recall petition on the surrender of the petitioner/accused No.2 on the same day in connection with S.C.No.174 of 2013 in Crime No.7 of 2011 on the file of the respondent police, dated 19.09.2017 on merits.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The petitioner states that he is the second accused in Crime No.7 of 2011. It is further stated that after filing of Charge Sheet, the case is now pending in S.C.No.174 of 2013 on the file of the learned Principal Subordinate Judge, Trichy. The case was registered as against the petitioner for the offences under Sections 294(b), 323, 307 r/w 34 of I.P.C. When the criminal case was filed on 19.09.2017, the petitioner states that he could not appear due to illness and that the trial Court has issued Non Bailable Warrant against the petitioner. Since the warrant is



pending against the petitioner, the petitioner apprehends that he may be arrested by the respondent police. The petitioner further submits that he was regular in attending the Court in earlier hearings and that only due to his physical illness, he could not appear before the trial Court.

4. Having regard to the nature of the offence, this Court is inclined to allow this petition. The petitioner is directed to surrender before the learned Principal Subordinate Judge, Trichy, within a period of two weeks from the date of receipt of a copy of this order and the learned Principal Subordinate Judge, Trichy, is directed to consider the petitioner's petition to recall the warrant on the same day on his surrender.

5. The Criminal Original petition is allowed, accordingly.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Kattupudur Police Station,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.J.Jeyakumaran, Advocate SR.No. 83410

Cr1.O.P.(MD).No.14068 of 2017
23.10.2017

pmu
JM/SV MMS/SAR 4/31.10.2017/2P/4C