



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.10.2017
CORAM:

THE HONOURABLE MR. JUSTICE S. S. SUNDAR

CRL.O.P. (MD) .No.14599 of 2017

Suri @ Sangaiyah

... Petitioner/Accused No.3

Vs.

1. The State rep. by,
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

... Respondent/Complainant

2. Prabhu
3. Abiraman

... Respondent/Complainant
... Respondent/Victim

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned District and Sessions Judge, Special Court for P.C.R., Sivagangai, to consider the recall petition filed under Section 70(2) of Cr.P.C., to recall the warrant issued against the petitioner in Spl.S.C.No.190 of 2010 on the file of the learned District and Sessions Judge cum Special Court for P.C.R., Sivagangai, on the same day itself.

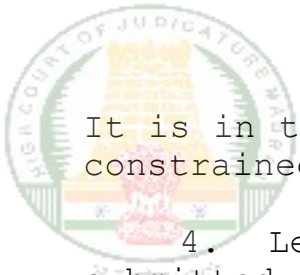
For Petitioner : Mr.V.Kannan
For R-1 : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the learned District and Sessions Judge, Special Court for P.C.R., Sivagangai, to consider the recall petition filed under Section 70(2) of Cr.P.C., to recall the warrant issued against the petitioner in Spl.S.C.No.190 of 2010 on the file of the learned District and Sessions Judge cum Special Court for P.C.R., Sivagangai, on the same day itself.

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

3. Learned counsel appearing for the petitioner admits that the petitioner could not attend the hearing on 15.12.2010 and that therefore Non Bailable Warrant was issued against the petitioner.



It is in these circumstances, it is stated that the petitioner was constrained to file the above Criminal Original petition.

4. Learned Additional Public Prosecutor on instructions submitted that though the Non Bailable Warrant was issued in the year 2010, the petitioners are absconding.

5. Be that as it may, the petitioner undertakes that he will co-operate for the trial of the case.

6. It is in these circumstances, the Criminal Original petition is allowed subject to condition that the petitioner pays a sum of Rs.3,000/- (Rupees Three Thousand only) towards costs to the credit of the Hon'ble Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order. The learned District and Sessions Judge, Special Court for P.C.R., Sivagangai, is directed to consider the recall petition filed by the petitioner under Section 70(2) of Cr.P.C., in Spl S.C.No.190 of 2010 to recall the warrant issued against the petitioner on the same day, when the petitioner surrender before the lower Court.

7. Post the matter for reporting compliance on 15.11.2017.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The District and Sessions Judge,
Special Court for P.C.R., Sivagangai.
2. The Inspector of Police,
Manamadurai Police Station, Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.V.Kannan, ADVOCATE IN SR No.84788

pmu

MK/JC/SAR-3/06.11.2017/2P/5C

CrI.O.P.(MD).No.14599 of 2017
31.10.2017