



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP (MD) No.15012 of 2017

1. Kannan

2. Kumar

... Petitioners/Accused Nos.2 & 3

Vs.

State represented by,
The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai District.
(Crime No.755 of 2006)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.I, Usilampatti, to accept the surrender of the petitioners and to recall the Non Bailable Warrant, dated 17.08.2017 in C.C.No.434 of 2006 on the same day on merits as per Section 70(2) of Cr.P.C.

For Petitioners

: Mr.S.Deenadhayalan

For Respondent

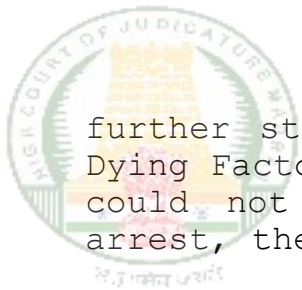
: Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor.

O R D E R

This Criminal Original petition is filed for issuing a direction to the learned Judicial Magistrate No.I, Usilampatti, to accept the surrender of the petitioners and to recall the Non Bailable Warrant, dated 17.08.2017 in C.C.No.434 of 2006 on the same day on merits as per Section 70(2) of Cr.P.C.

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

3. It is stated that the petitioners are the accused Nos.2 and 3 in C.C.No.434 of 2006 on the file of the learned Judicial Magistrate No.I, Usilampatti, Madurai District, for the alleged offences under Section 379 of I.P.C. Though the case was registered originally in Crime No.755 of 2006 on 01.09.2006, it is stated that the petitioners were prompt in attending the Court hearings. It is



further stated that the petitioners who are labourers, working at Dying Factory in Tirupur and due to acute work load, the petitioners could not attend the Court hearing on 17.08.2017. Anticipating arrest, the petitioners have approached this Court.

4. The petitioners further state that the examination of the witnesses on both sides is over and that the matter is posted for arguments and questioning. It is in these circumstances, it is stated that no prejudice will be caused, if the Non Bailable Warrant issued on 17.08.2017 is recalled.

5. Having regard to the peculiar circumstances of the case, the Criminal Original petition is allowed and the learned Judicial Magistrate No.I, Usilampatti, Madurai District, is directed to accept the surrender of the petitioners and consider and dispose of the petition to recall the non Bailable Warrant issued on 17.08.2017 in C.C.No.434 of 2006 on the same day on merits.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1,
Usilampatti, Madurai District.
2. The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.DEENADHAYALAN, ADVOCATE IN SR No. 85656

PMU

TE/JC/SAR-III : 17/11/2017 : 2P/5C

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