



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDARCRL.OP.(MD).No.15142 of 2017

Arumugam

. . . Petitioner

Vs.

1. State represented through,
The Inspector of Police,
B1, Vilakuthoon Police Station (L & O),
Vilakkuthoon,
Madurai.

2. Jayabharathi
(R-2 is impleaded as per the order of this Court,
in Crl.M.P.(MD)No.10393 of 2017,
dated 15.11.2017)

. . . Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.I, Madurai, to consider the petition on the same day filed under section 70(2) of Cr.P.C., to recall the Non Bailable Warrant, dated 11.05.2015 against the petitioner in C.C.No.98 of 2012 of the petitioner.

For Petitioner : Mr.K.Gokul

For R-1 : Mr.A.Ramar,
Additional Public Prosecutor.

For R-2 : Mr.S.Palanivelayutham

ORDER

This Criminal Original petition is filed for issuing a direction to the learned Judicial Magistrate, No.I, Madurai, to consider the petition on the same day filed under Section 70(2) of Cr.P.C., to recall the Non Bailable Warrant, dated 11.05.2015, against the petitioner in C.C.No.98 of 2012.

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



respondent and the learned counsel appearing for the second respondent.

3. It appears that a case was registered against the petitioner in Crime No.804 of 2010 for the alleged offences under Sections 294 (b) and 506(ii) of I.P.C. After filing of the Charge Sheet, the case was taken on file in C.C.No.98 of 2012 by the learned Judicial Magistrate No.I, Madurai.

4. It is stated that pending trial, Non Bailable Warrant was issued against the petitioner on 11.05.2015. It is further stated that due to his illness, he could not attend the Court hearing on 11.05.2015. In the said circumstances, the petitioner has approached this Court.

5. Considering the facts and circumstances of the case, the petition is allowed. The learned Judicial Magistrate No.I, Madurai, is directed to consider the petition filed by the petitioner under Section 70(2) of Cr.P.C., to recall the Non Bailable Warrant issued against the petitioner, dated 11.05.2015, in C.C.No.98 of 2012 on the same day on merits. This order is based on the undertaking given by the petitioner that he will co-operate for the trial. The learned Judicial Magistrate No.I, Madurai, is also directed to dispose of the case in C.C.No.98 of 2012 as expeditiously as possible, preferably, within a period of six months from the date of receipt of copy of this order.

6. With the above direction, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.I, Madurai

2. Do through the Chief Judicial Magistrate, Madurai

3. The Inspector of Police,
B1, Vilakuthoon Police Station (L & O),
Vilakkuthoon, Madurai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+One cc to Mr.K.Gokul, Advocate, SR.No.87542

pmu

RL/6C/2P/JC/SAR1/24/11/2017

Cr1.O.P. (MD).No.15142 of 2017

15.11.2017