



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.15642 of 2017

WEB COPY

Mariappan

: Petitioner

-Vs-

State rep. by the
Inspector of Police,
All Women Police Station(South),
Madurai City.
Crime No.11 of 2016

: Respondent

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to consider the facts and circumstances of this case and pass orders for recalling the warrant issued against the petitioner by order, dated 23.06.2017 in C.C.No.95 of 2017 on the file of the Mahila Court, Madurai, in Crime No.11 of 2016 on the file of the respondent.

For Petitioner : Mr. A.V. Rajasekaran

For respondent : Mr. A. Ramar

Additional Public Prosecutor

O R D E R

This petition is filed to recall the warrant issued against the petitioner by order dated 23.06.2017 in C.C.No.95 of 2017 on the file of the Mahila Court, Madurai, in Crime No.11 of 2016 on the file of the respondent.

2. It is stated that the petitioner is the third accused in the criminal case, which was pending in C.C.No.95 of 2017, on the file of Mahila Court, Madurai, for the offences under Sections 498 (A) and 406 of IPC. The complaint was lodged by the wife of the first accused by name Sindhu and the petitioner is stated to be the third accused.

3. The petitioner states that he is only the paternal uncle of the first accused. It is further stated that the accused nos. 1 and 2 were granted anticipatory bail by this Court on 30.08.2017 and that he is no way connected with the offence. However, it is stated that a Non Bailable Warrant was issued in C.C.No.95 of 2017 on 23.06.2017 as against the petitioner, as he failed to appear, when the criminal case was posted for trial. The petitioner states that he had no bad antecedents and that he was implicated



in this case only for harassing and embarrassing.

4. Considering the facts and grievance of the petitioner, this Court is inclined to allow this petition. Accordingly, the Criminal Original Petition is allowed and the Non Bailable Warrant issued against the petitioner, by order dated 23.06.2017 in C.C.No.95 of 2017, by Mahila Court, Madurai, is recalled subject to the condition that the petitioner shall appear before the trial Court and explain to the satisfaction of the lower Court about the cause for his non- appearance earlier and co-operate for trial in future.

Sd/-
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Sessions Judge,
Mahila Court,
Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3.Inspector of Police,
All Women Police Station,
Madurai City.

+1cc to Mr.A.V.RAJASEKARAN,Advocate,SR. 87588

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