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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP. (MD) .No.15698 of 2017

1. A.Mohammed Farid Khan
2. A.Rahamed Ali
3. A.Mohammed Rawther
4. A.Shaik Dawood

... Petitioners/Accused Nos.1 to 4

Vs.

The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.350 of 2011)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate, Uthamapalayam, to consider the recall warrant application of the petitioners on the same day of their surrender in C.C.No.246 of 2012 on its file.

For Petitioners: Mr.R.Maheswaran

For Respondent : Mr.A.Ramar,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the learned Judicial Magistrate, Uthamapalayam, to consider the recall warrant application of the petitioners on the same day of the surrender of the petitioners in C.C.No.246 of 2012 before the lower Court.



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

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3. It is stated that the petitioners are accused Nos.1 to 4. A case was registered in Crime No.350 of 2011 as against the petitioners for the alleged offences under Sections 147, 148, 448, 294(b), 323, 324 and 506(ii) of I.P.C. It is also stated that the respondent has conducted investigation and filed a Charge Sheet in C.C.No.246 of 2012 before the learned Judicial Magistrate, Uthamapalayam. Since some of the accused are absconded, the case was adjourned on every occasions without any progress.

4. It is further stated that for non-appearance of the petitioners, Non Bailable Warrant was issued on 31.08.2016. It is stated by the petitioners that they did not appear only because they were in abroad at that time, when the matter appeared in the list. It is further stated that the petitioners would co-operate with the trial.

5. It is in these circumstances, the Criminal Original petition is allowed and the learned Judicial Magistrate, Uthamapalayam, is directed to consider the recall warrant application filed by the petitioners on the same day, when the petitioners surrender before the lower Court in C.C.No.246 of 2012.

sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Uthamapalayam.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Do through Chief Judicial Magistrate, Theni.



3. The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

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

+1cc to M/S.R.MAHESHWARAN, Advocate SR.No.88072.

Cr1.O.P. (MD) .No.15698 of 2017
17.11.2017

pmu

SDS/MR:KKR/SAR 4/28.11.2017/2P/6C