



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD).No.15716 of 2017

Sam Amstrong

... Petitioner/Accused No.1

Vs.

State represented by,
The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
(Crime No.87 of 2008)

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate, Cheranmahadevi, to accept the surrender of the petitioner and to consider his warrant recall petition under Section 70(2) of Cr.P.C., on the same day on merits in relation to C.C.No.155 of 2009 on the file of the learned Judicial Magistrate, Cheramahadevi.

For Petitioner

: Mr.S.R.A.Ramachandhran

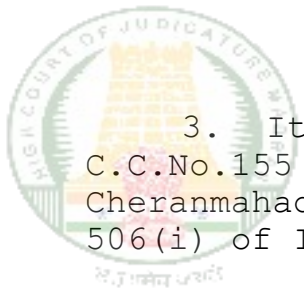
For Respondent

: Mr.A.Ramar,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the learned Judicial Magistrate, Cheranmahadevi, to accept the surrender of the petitioner and to consider his warrant recall petition under Section 70(2) of Cr.P.C., on the same day on merits in C.C.No.155 of 2009 on the file of the learned Judicial Magistrate, Cheranmahadevi.

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



3. It is stated that the petitioner is the accused in C.C.No.155 of 2009 on the file of the learned Judicial Magistrate, Cheranmahadevi, for the alleged offences under Sections 294(b) and 506(i) of I.P.C.

4. Considering the material facts and the facts and circumstances of the case, this Court is convinced that the warrant was issued, when the petitioner could not appear on that day due to unavoidable circumstances and that he was always appearing before the Court on all earlier occasions. Hence, recording the undertaking that the petitioner would co-operate with the trial, the Criminal Original petition is allowed and the learned Judicial Magistrate, Cheranmahadevi, is directed to accept the surrender of the petitioner and to consider his warrant recall petition filed under Section 70(2) of Cr.P.C., on the same day on merits in C.C.No.155 of 2009.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Cheranmahadevi.
2. The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+One cc to M/s.S.R.A.Ramachandran, Advocate, SR.No.87923

pmu
RL/5C/2P/SKN/RSK/SAR4/29/11/2017

Crl.O.P.(MD).No.15716 of 2017