



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.16071 of 2017

P.G.Prasanth @ Pradeesh

... Petitioner/Accused No.3

-Vs-

The State of Tamilnadu,
rep. by The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.

... Respondent/ Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Judicial Magistrate No.II, Kuzhithurai to consider the recall warrant petition under Section 70(2) of Cr.P.C., to recall the Non-Bailable Warrant issued against the petitioner in P.R.C.No.14 of 2016 dated 13.04.2016 on the date of the surrender.

For Petitioner

: Mr.C.K.M.Appaji

For Respondent

: Mr.K.S.Duraipandian,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed for issuing a direction to the learned Judicial Magistrate No.II, Kuzhithurai, 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 P.R.C.No.14 of 2016 on the file of the learned Judicial Magistrate No.II, Kuzhithurai.

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 P.R.C.No.14 of 2016 on the file of the learned Judicial Magistrate No.II, Kuzhithurai, for the alleged offences under Sections 341, 323, 324, 307 r/w 34 of IPC.

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 No.II, Kuzhithurai, 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 P.R.C.No.14 of 2016.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Kuzhithurai, Kanyakumari District.

2.-do-Thro' Chief Judicial Magistrate,
Kanyakumari District.

3.The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.

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

+1cc to Mr.C.K.M.Appaji Advocate in SR. No. 89138

AM

JS/KK/SAR.3/6.12.2017/2P-6C

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