



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.16073 of 2017

WEB COPY

1.Jeyakumar

2.Sathiya

... Petitioners

-Vs-

1.State represented by
Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.

2.Latha @ Latha Devi

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Learned Judicial Magistrate Court, Ilayankudi to recall the N.B.W. Issued against the petitioners on 28.08.2017 in C.C.No.145 of 2017.

For Petitioner : Mr.S.Veeranasamy
For R1 : 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, Ilayankudi, to accept the surrender of the petitioners and to consider their warrant recall petition under Section 70(2) of Cr.P.C., on the same day on merits in C.C.No.145 of 2017 on the file of the learned Judicial Magistrate, Ilayankudi.

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

3.It is stated that the petitioners are the accused in C.C.No.145 of 2017 on the file of the learned Judicial Magistrate, Ilayankudi, for the alleged offences under Sections 406, 498(A) 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 petitioners could not appear on that day due to unavoidable circumstances and that they were always appearing before the Court on all earlier occasions. Hence, recording the undertaking that the petitioners would co-operate with the trial, the Criminal Original Petition is allowed and the



learned Judicial Magistrate, Ilayankudi, is directed to accept the surrender of the petitioner and to consider their warrant recall petition filed under Section 70(2) of Cr.P.C., on the same day on merits in C.C.No.145 of 2017.

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Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, Ilayankudi.

2.The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.

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

+1cc to M/S.S.Veeranasamy, Advocate SR.No. 88919

CRL.O.P.(MD)No.16073 of 2017
23.11.2017

AM

JM/KP/SAR 4/06.12.2017/2P/5C