



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.17488 of 2017

WEB COPY

Sudhakar

: Petitioner/Accused No.3

-Vs-

The State represented by
The Inspector of Police,
Contonment Police Station(Crime),
Trichy District.
(in Crime No.447 of 2008)

: Respondent / Complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the learned Principal Subordinate Judge, Trichy to consider the application of the petitioner to be filed under section 70(2) to recall the warrant issued against the petitioner on the very same day of their surrender in S.C.No.100 of 2011 on the file of the learned Principal Subordinate Judge, Trichy in Crime No.447 of 2008 on the file of the respondent police.

For Petitioner : Mr.S.Sivaprakash

For Respondent : Mr.K.S.Duraipandian
Additional Public Prosecutor

O R D E R

This petition is filed to direct the learned Principal Subordinate Judge, Trichy to consider the application of the petitioner to be filed under section 70(2) to recall the warrant issued against the petitioner on the very same day of their surrender in S.C.No.100 of 2011 on the file of the learned Principal Subordinate Judge, Trichy in Crime No.447 of 2008 on the file of the respondent police.

2.The petitioner is the third accused in criminal complaint and S.C.No.100 of 2011. Originally the case was registered in Cr.No.447 of 2008 for the offences punishable under Sections 342, 406 and 420 of IPC. After the investigation, the offences were altered into Section 395 of IPC. Due to non appearance of the petitioner, Non-Bailable Warrant was issued. The petitioner has come with an acceptable explanation for his non-appearance. The learned Counsel for the petitioner undertakes that the petitioner will cooperate with the trial.

3.In view of the undertaking given by the learned Counsel for the petitioner, this Court is inclined to allow this petition. As a result, the criminal original petition is allowed and the petitioner



is directed to surrender before the learned Principal Subordinate Judge, Trichy and on such surrender, the learned Principal Subordinate Judge, Trichy is directed to consider the application for recalling warrant on the same day on which, it is filed by the petitioner in S.C.No.100 of 2011.

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Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1.The Principal Subordinate Judge, Trichy.

2.The Inspector of Police,
Contonment Police Station(Crime),
Trichy District.

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

Cmr
RL/4C/2P/KKR/SAR1/18/1/2018

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