



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.01.2017
CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

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Cr1.O.P.(MD)No.447 of 2017

Nagarathinam : Petitioner/Accused
Rank not known

Vs.

1.The Deputy Superintendent of Police,
Paramakudi Division,
Ramnad District.

2.The State rep. by
The Sub Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(Crime No.164/2012)

: Respondents/Complainants

Prayer: This petition is filed under Section 482 of the Criminal Procedure Code, to permit the petitioner to surrender and to file the petition to recall the Non-Bailable Warrant issued against the petitioner by the learned Judicial Magistrate, Kamuthi, in connection with PRC No.23 of 2013, dated 11.12.2014 in Crime No.164 of 2012 on the file of the respondent police and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law forthwith.

For Petitioner : Mr.A.Uthayakumar
For Respondents : Mr.A.P.Balasubramani
Government Advocate
(Criminal side)

O R D E R

This petition is filed to permit the petitioner to surrender and to file the petition to recall the Non-Bailable Warrant issued against the petitioner by the learned Judicial Magistrate, Kamuthi, in connection with PRC No.23 of 2013, dated 11.12.2014 in Crime No.164 of 2012 on the file of the respondent police and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law.

2.The learned counsel for the petitioner has submitted that <https://hds.ces.equest.com/roscs/> has been falsely implicated for the alleged offences under Sections 147, 148, 341, 506(ii) r/w Section 3(1) (X) SC/ST (Prevention of Atrocities) Act, 1989 and the case was



taken on file as PRC No.23 of 2013 and that due to non appearance of the petitioner on 01.12.2014, NBW was issued by the Judicial Magistrate, Kamuthi and now, the petitioner is ready to surrender before the trial court at any date and hence, suitable direction may be given to the trial court, in the event of his surrender.

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3.The learned Government Advocate (Criminal side) would submit that the petitioner has not appeared before the court below purposely and due to his non-appearance, the trial court could not proceed the case further. Hence, the petition has to be dismissed.

4.Heard the submissions made on either side and perused the materials available on record.

5.Considering the submissions of both sides and also considering the facts and circumstances of the case, this petition is disposed of with a direction to the petitioner to surrender before the trial court, within fifteen days from today and if he filed any bail application in this crime number, learned trial court is directed to dispose of the application, after giving notice to the concerned Public Prosecutor, purely on merits and in accordance with law on the same day itself.

6.With this observation, this petition is disposed of accordingly.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Kamuthi,Ramnad District.

2.The Deputy Superintendent of police,
Paramakudi division, Ramnad District.

3.The Sub Inspector of police,
Abiramam Police Station,
Ramanathapuram District.

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

+1cc to Mr.A.Uthayakumar,Advocate Sr.No.3434

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20.01.2017