



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

CRL.O.P. (MD) Nos.7282 and 7284 of 2017

Soundarapandian : Petitioner in Crl.O.P. (MD)
No.7282/2017

Pitchaiammal : Petitioner in Crl.O.P. (MD) No.7284/2017
-Vs-

The Inspector of Police,
Solavandan Police Station,
Madurai District. : Respondent in both petitions

COMMON PRAYER: Petitions are filed under Section 482 of the Criminal Procedure Code praying to set aside the order passed by the learned III Additional District and Sessions Judge (PCR), Madurai in Spl.S.C.No.82 of 2015 issued under Section 446 Cr.P.C. in Crl.M.P.No.1026 of 20017 dated 17.05.2017 and consequently to direct the learned III Additional District and Sessions Judge (PCR), Madurai to recall the warrant issued against the petitioners.

For Petitioners : Mr.G.Balasubramanian
For Respondent : Mr.K.Anbarasan
Government Advocate (Crl. Side)

COMMON ORDER

Seeking to set aside the order passed by the learned III Additional District and Sessions Judge (PCR), Madurai in Spl.S.C.No.82 of 2015 issued under Section 446 Cr.P.C. in Crl.M.P.No.1026 of 20017 dated 17.05.2017 and consequently to direct the learned III Additional District and Sessions Judge (PCR), Madurai to recall the warrant issued against them, the petitioners have come up with this petition.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal side) for the respondent.

3.On 15.06.2017, this Court has passed the following order:

"The petitioners stood as sureties for the release on bail for one Kasi / A7 in Spl. S.C.No.82 of 2015 before the learned III Additional District and Sessions Judge (PCR), Madurai. Since Kasi absconded, the learned Judge has issued a notice to the petitioners to show cause why they should not be asked to deposit the bond amount of



Rs.10,000/-. The petitioners were required to appear before the Trial Court on or before 30.05.2017, but whereas the petitioners received the communication only on 30.05.2017 and therefore, they were not able to appear before the learned Judge. For their non appearance, learned Judge issued a Non Bailable Warrant against them.

2. Under normal circumstances, an NBW issued against a person cannot be recalled in exercise of powers under Section 482 Cr.P.C. in view of Section 70(ii) of Cr.P.C. However, in this case, these petitioners are only sureties and they have received the notice only on 30.05.2017. Under such circumstances, the petitioners are directed to surrender before the learned III Additional District and Sessions Judge (PCR), Madurai within one week from the date of receipt of a copy of this order and on such surrender, their warrant shall be recalled and they shall participate in the proceedings initiated by the learned III Additional District and Sessions Judge (PCR), Madurai under Section 446 Cr.P.C."

4. The learned counsel for the petitioner has filed Memos, which are as follows:

"It is respectfully submitted that in obedience to the order passed by this Hon'ble Court in CrI.O.P.(MD) No.7282 of 2017 dated 15.06.2017, the petitioner has complied the orders and surrendered and recalled the warrant before the Learned IIIrd Additional District Judge (PCR), Madurai on 23.06.2017.

Therefore, it is prayed that this Hon'ble Court may be pleased to record this Memo and thus render justice."

"It is respectfully submitted that in obedience to the order passed by this Hon'ble Court in CrI.O.P.(MD) No.7284 of 2017 dated 15.06.2017, the petitioner has complied the orders and surrendered and recalled the warrant before the Learned IIIrd Additional District Judge (PCR), Madurai on 23.06.2017.

Therefore, it is prayed that this Hon'ble Court may be pleased to record this Memo and thus render justice."

5. Recording the same, these Criminal Original Petitions are closed with a direction to the petitioner to take part in the proceedings before the trial Court.

Sd/-

Assistant Registrar

/True copy/



To

1. The III Additional District and Sessions Judge,
(PCR), Madurai.

2. The Inspector of Police,
Solavandan Police Station,
Madurai District.

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

SJ

PSM/MR-KKR/SAR1/07.07.2017/3P/4C

Order made in
CRL.O.P. (MD) Nos. 7282 and 7284 of 2017
27.06.2017