



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2017

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.RC.(MD).No.931 of 2017

H.Abdulbakki ... Petitioner

Vs.

M.Vijay ... Respondent

PRAYER: Criminal Revision Case filed under Section 397 of Criminal Revision Code r/w Section 401 of the Code of Criminal Procedure, to set aside the order dated 16.11.2017 dismissing the petition filed under Section 70 of Cr.P.C. for recalling the Bailable Order issued by the Fast Track Court (Judicial Magistrate Level), Theni in Cr1.M.P.No.1156 of 2017 in S.T.C.No.68 of 2017 and set aside the same.

For Petitioner : Mr.V.P.Rajan

O R D E R

The revision petitioner herein is facing a case under Section 138 read with 142 of the Negotiable Instruments Act. On account of his absence before the trial Court, bailable warrant was issued against him. The petitioner herein entered appearance through counsel and sought its recall. The petitioner produce medical certificate, explaining the cause for his absence. It appears that the learned counsel appearing for the revision petitioner filed only a photocopy of the Medical Certificate issued in his favour. Therefore, the trial Magistrate declined to accept the reason assigned by the counsel for the revision petitioner. Consequently, the petition for recall of the warrant was dismissed.

2. The learned counsel appearing for the revision petitioner submits that the revision petitioner shall appear in person before the trial Court on the next hearing date.

3. In view of the aforesaid submission, the warrant issued against the revision petitioner is recalled. The order dated 16.11.2017 in Cr1.M.P.No.1156 of 2017 in S.T.C.No.68 of 2017 is



set aside. This Criminal Revision Case is allowed, accordingly.

Sd/-

Assistant Registrar (T&P)

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/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,
Fast Track Court (Magistrate Level),
Theni.

Kmi

AE/JC/SAR1/11.01.2018/2P/2C

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