

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.08.2018

Coram:

The Hon'ble Mr.Justice M.DHANDAPANI

Crl.R.C.No.914 of 2018

V.T.Srinivasan .. Petitioner/Accused
/versus/
M/s URC Construction (P) Ltd.
Rep.by its Power of Attorney
M.Kettimuthu
Head Office,
URC Nagar,
3rd Street, Veerappampalayam
Thindal(Post),
Erode 638 012. .. Respondent/Complainant

Criminal Revision Case is filed under Section 397 r/w
Section 401 of Cr.P.C., against the order passed in
C.M.P.No.5883 of 2018, dated 19.07.2018 on the file of the Fast
Track Court-II, (Magisterial Level), Erode.

For Petitioner :Mr.M.Mariappan

O R D E R

Criminal Revision Case is filed against the order passed in
C.M.P.No.5883 of 2018, dated 19.07.2018 on the file of the Fast
Track Court-II, (Magisterial Level), Erode.

2. The facts of the case is that the respondent has filed a
complaint under Section 200 of the Criminal Procedure Code for
the offence under Sections 138 and 142 of the Negotiable
Instruments Act on the file Judicial Magistrate No.II, Erode. In
this said complaint, the petitioner was granted bail on
condition in Crl.M.P.No.4945 of 2018 in STC No.91 of 2016.
Subsequently, The petitioner has filed a petition under Section
317 Cr.P.C., before the trial Court on the ground that the
petitioner was an aged person and his wife was bed ridden in
Hyderabad Hospital and he was unable to attend the Court
regularly and signed. However, the trial Court has dismissed the
petitioner by stating that the petitioner was not present and
signed before the Court from 27.06.2018 to till date and hence,
the petitioner wantonly failed to comply with the condition
imposed by this Court and hence, trial Court has dismissed the
petition and consequently, Non Bailable warrant was issued

against the petitioner. As against that order, the petitioner has filed the aforesaid Criminal Revision Petition.

3. The learned Counsel appearing for the petitioner would submit that a liberty may be granted to the petitioner to appear before the trial Court and to file a petition under Section 70 (2) of the Cr.P.C., to recall the Non Bailable Warrant.

4. In view of the limited request made by the learned counsel appearing for the petitioner, a liberty is granted to the petitioner to file a petition under Section 70(2) of Cr.P.C to recall the Non-Bailable Warrant and the petitioner by way of filing a memo undertakes that he should appear before the trial Court as and when required without fail. On filing of such petition, the learned Judicial Magistrate, Fast Track Court-II, Erode is directed to consider and pass orders on merits and in accordance with law on the same day itself.

5. Accordingly, with above direction, this Criminal Revision Petition is disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

The Fast Track Court-II (Magisterial Level),
Erode.

+lcc to Mr.M.Mariappan, Advocate sr.no.55788

nr 24/08/2018

Cr1.R.C.No.914 of 2018