

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.OP.No. 4656 of 2018

P.Manoharan

.. Petitioner

A.Jayarajan

Vs

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to direct the Judicial Magistrate, Rasipuram to accept the surrender of the petitioner and payment of the fine imposed in C.C. No.180 of 2012 and to suspend the sentence on presentation of a petition to that effect on the same day.

For Petitioner : Mr.J.A.Prabakaran
For Respondent : No Appearance

O R D E R

The prayer in the present petition is to direct the Judicial Magistrate, Rasipuram to accept the surrender of the petitioner and payment of the fine imposed in C.C. No.180 of 2012 and to suspend the sentence on presentation of a petition to that effect on the same day.

2. Heard Mr.J.A.Prabakaran, learned counsel appearing for the petitioner. There was no representation on behalf of the respondent.

3. The petitioner herein was convicted in C.C. No. 180 of 2012 by a judgment dated 27.05.2014. It is submitted by the learned counsel for the petitioner that pursuant to the conviction, a non-bailable warrant has been issued against him, since he had failed to appear before the trial Court at the time of pronouncement of the judgment. In this background, the learned counsel for the petitioner submitted that the petitioner is willing to surrender before the trial Court for the purpose of re-calling the non bailable warrant issued against him.

4. In my view, the petitioner would be entitled for the

right of the appeal against his conviction and such pendency of the warrant before the trial Court, will cause serious prejudice to him.

5. In the result, the petitioner is granted liberty to surrender before the learned Judicial Magistrate, Rasipuram in connection with C.C. No. 180 of 2012 along with appropriate application seeking for acceptance of his surrender and to recall the warrant issued against him, if any. On such surrender, the learned Judicial Magistrate, Rasipuram shall pass appropriate orders on merits and in accordance with law in respect of his application, preferably on the same day.

With these observations and directions, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar (CS II)

//True copy//

Sub Assistant Registrar

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TO

1.The Judicial Magistrate,
Rasipuram.

2.do-thro- The Chief Judicial Magistrate,
Namakkal.

+lcc to Mr.J.A.Prabakaran, Advocate SR.No.21812

Cr1.OP.No.4656 of 2018

GN(02/04/2018)

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