

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.No.23160 of 2018

M.D.Thangavel

... Petitioner

Vs.

1. S.Palanisamy

2. State Rep. By

The Inspector of Police,
Erode North Police Station,
Erode District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to issue a direction to direct the learned Fast Track Magistrate-II, Coimbatore District to accept the surrender of the petitioner in connection with CC No.1213 of 2017 on the file of the learned Fast Track Magistrate No.II of Coimbatore to consider the Re-Call petition under 70(2) Cr.P.C. filed by the petitioner on the same day in accordance with law.

For Petitioner : Mr.P.Kalimuthu
for Mr.P.Anbazhagan

For R2 : Ms.M.Prabhavathi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the learned Fast Track Magistrate-II, Coimbatore District to accept the surrender of the petitioner in connection with C.C. No.1213 of 2017 on the file of the learned Fast Track Magistrate Court No.II of Coimbatore, to consider the Re-Call petition under Section 70(2) Cr.P.C., filed by the petitioner on the same day in accordance with law.

2. It is seen that the petitioner is the accused in C.C.No.1213 of 2017 on the file of the Fast Track Magistrate Court No.II, Coimbatore, for the offences under Section 138 of the Negotiable Instruments Act, 1881. It is also seen that the petitioner has appeared before the trial Court on summons, and thereafter, he has absconded.

3. The learned counsel for the petitioner submitted that the aforesaid calender case was originally filed before the Judicial Magistrate Court No.IV, Coimbatore, and subsequently, it has been transferred to the Fast Track Magistrate Court No.II, Coimbatore, which, the petitioner was not aware of.

4. In the opinion of this Court, no direction as prayed for can be granted to the petitioner and he is directed to surrender before the trial Court and on such surrender, the same may shall be dealt with, in the light of the law laid down by this Court in Pillappan @ Ravikumar Vs State rep. by Inspector of Police, West Police Station, Kumbakonam, Thanjavur District (2018[2] MLJ [CRL] 502).

With the above direction, this petition is closed.

mkn/ssr

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Erode North Police Station,
Erode District.
2. The Judicial Magistrate-II,
Fast Track Court at Magisterial Level,
Coimbatore.
3. The Public Prosecutor, High Court, Madras.

KR/24/10/18

CrI.O.P.No.23160 of 2018

WEB COPY