

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.25418 of 2018

U.Viswanathan .. Petitioner
Vs

V.Vimala .. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the learned Metropolitan Magistrate (FTC-III), Saidapet, Chennai to consider the petition to recall the Non-Bailable Warrant issued against the petitioner on 25.07.2018 in C.C.No.2416 of 2016.

For Petitioner : Mr.K.V.Sridharan

For Respondent : Ms.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

The petitioner is the accused in C.C.No.2416 of 2016 on the file of the Metropolitan Magistrate (Fast Track Court -III), Saidapet, Chennai for the offence under Section 138 of the Negotiable Instrument Act.

2.The petitioner did not appear before the Trial Court, on account of which a Non-Bailable Warrant is pending. Under such circumstances, the petitioner is before this court for recalling the Non-Bailable Warrant.

3.Heard the learned counsel for the petitioner who submitted that the case was transferred from Thanjavur to Chennai, on account of which the accused lost track of the case.

4.In the opinion of this Court, this cannot be a good reason for his non-appearance before the Trial Court, because the accused was bound over by the Judicial Magistrate, Thanjavur and thereafter, the case was transferred to Chennai.

5.Under such circumstances, the petitioner/accused is directed to deposit 50% of the cheque amount, Rs.5,00,000/-

(Rupees Five Laksh only) to the credit of C.C.No.2416 of 2016 within a period of four weeks from the date of receipt of a copy of this order and thereafter if he surrenders, the surrender application may be considered on the same day, in the light of the law laid down by this Court in Pillapan @ 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.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kkn/gsa

To

1.The Metropolitan Magistrate,
Fast Track Court-III,
Saidapet, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.K.V.Sridharan, Advocate Sr.No.75146

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CSL/20.11.2018

सत्यमेव जयते
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