

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.28338 of 2018

Mahadevasamy

...Petitioner/Accused

-Vs-

State By: The Inspector of Police,
Kolathur Police Station,
Salem District.
(Crime No. 23 of 2017)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the Judicial Magistrate No.1, Mettur, Salem District to consider the recall warrant petition of the petitioner on merits on the surrender of the petitioner/Accused on the same day in connection with C.C.No.99 of 2017 pending on the file of the Judicial Magistrate No.1, Mettur, Salem District.

For Petitioner : Mr.Karan and Uday

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the Judicial Magistrate No.1, Mettur, Salem District, to consider the recall warrant petition of the petitioner on merits on the surrender of the petitioner/Accused on the same day in connection with C.C.No.99 of 2017 pending on the file of the Judicial Magistrate No.1, Mettur, Salem District.

2. The petitioner is arrayed as accused in C.C.No.99 of 2017, on the file of the Judicial Magistrate No.1, Mettur, Salem District, for the offences punishable under Sections 279, 304(A) of IPC.

3. Due to his illness, the petitioner was absent during the trial in C.C.No.181 of 2017, on the file of the Judicial Magistrate No.1, Mettur, Salem District. Therefore, non-bailable warrant came to be issued on 29.05.2018.

4. The learned counsel appearing for the petitioner undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

5. Considering the undertaking given by the petitioner, the petitioner is directed to appear before the Judicial Magistrate No.1, Mettur, Salem District, within a period of two weeks from today and to file a petition to recall the NBW issued against him. The concerned Magistrate is directed to consider the same on merits and pass orders on the same day. The Court below is directed to complete the proceedings in C.C.No.99 of 2017 within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.1,
Mettur,
Salem District

2. The Inspector of Police,
Kolathur Police Station,
Salem District.

3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.Karan and Uday, Advocate sr.no.83329

Cr1.O.P.No.28338 of 2018

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nr 11/01/2019