



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2018

CORAM

THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

Cr1.O.P. (MD) No.2398 of 2018

Ravi @ Ravichandran

... Petitioner/Accused No.3

-Vs-

State represented by,
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(Crime No.128 of 2013)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the District and Sessions Judge cum Special Court for P.C.R., Sivagangai to consider the recall petition filed u/s 70(2) of Cr.P.C. to recall the warrant issued against the petitioner in S.C.No. 79 of 2014 on the file of the Additional District and Sessions Judge cum Special Court for P.C.R., Sivagangai on the same day.

For Petitioner : Mr.V.Kannan

For Respondent : Mr.Prabu Ramachandran
Government Advocate (Cr1.Side)

O R D E R

This petition has been filed by the accused No.3 to direct the District and Sessions Judge cum Special Court for P.C.R., Sivagangai to consider the recall petition which is filed by the petitioner under Section 70(2) of Cr.P.C. on the same day.

2.The learned counsel for the petitioner has submitted that the petitioner is the accused No.3 in S.C.No. 79 of 2014 on the file of the Additional District and Sessions Judge cum Special Court for P.C.R., Sivagangai. He further submitted that the petitioner has not appeared before the trial Court on 22.07.2014 and hence a non-bailable warrant has been issued and hence he requests this Court to consider the recall petition which is to be filed by the petitioner under Section 70(2) of Cr.P.C. on the same day.



3.The learned Government Advocate (Crl.Side) has submitted that since the petitioner has not appeared before the trial Court on 22.07.2014, the trial Court has issued a non-bailable warrant against him. For the past 4 years, the petitioner has not filed any petition to recall the warrant and the case in S.C.No. 79 of 2014 is pending for the past 4 years and hence he strongly opposed the petition.

4.Admittedly, the petitioner has not appeared before the trial Court on 22.07.2014 and hence the trial Court has issued a non-bailable warrant against him. For the past 4 years, the petitioner has not shown any interest to appear before the trial Court. Because of his non-appearance, the trial Court is not able to dispose of the case in S.C.No. 79 of 2014. Hence, the petitioner is directed to surrender before the trial Court by filing the petition under Section 70(2) of Cr.P.C. If any such petition is filed, then the trial Court shall consider the same and pass appropriate order either allowing the petition or dismissing the petition on the same day.

5.With the aforesaid submissions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District and Sessions Judge(PCR)
Additional District and Sessions Court for
Exclusive trial of PCR Act Cases,Sivagangai.
2. The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

gsp

MV:GT:SAR3:12/03/2018/2P/4C

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