



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.2617 of 2018

WEB COPY

Umashankar

... Petitioner/Accused No.2

-Vs-

State rep. By
The Inspector of Police,
Central Crime Branch,
Madurai City.
(Cr.No.91/2010)

... Respondent/Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to consider the petition filed under section 70(2) of Cr.P.C to recall the non-bailable warrant against the petitioner in connection with C.C.No.170 of 2013 pending on the file of the learned Judicial Magistrate No.I, Madurai.

For Petitioners

: Mr.A.Kannan

For Respondent

: Mr.Prabhu Ramachandran

Govt. Advocate (Crl.Side)

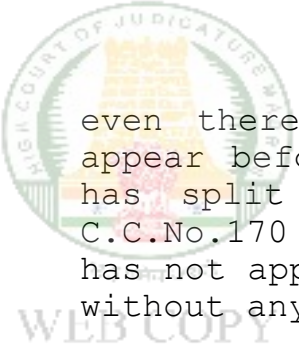
O R D E R

This Criminal Original petition has been filed by the accused No.2 to direct the learned Judicial Magistrate No.I, Madurai to consider the Non-bailable warrant recall application to be filed by the petitioner in C.C.No.170 of 2013.

2.Heard both sides.

3.The learned counsel for the petitioner has submitted that the the respondent police has filed a charge sheet against the petitioner and first accused under Sections 467, 468, 471, 120(b) I.P.C r/w 12 (1) (b) and 12(2) of Passport Act, 1967. He further submitted that the petitioner is a priest in a temple and he had no knowledge about the case pending against him. Hence, an absconding charge sheet was filed against the petitioner/2nd accused and a non-bailable warrant is pending against him from 2013. Now, the petitioner is prepared to surrender before the learned Judicial Magistrate No.I, Madurai by filing a petition to recall the warrant. He further submitted that on such surrender, the learned Judicial Magistrate may be directed to consider the petitioner's application and pass order on the same day.

4.The learned Government Advocate (Crl.Side) has submitted that since the petitioner has not appeared before the trial court, non-bailable warrant was issued against him in the year 2013 and



even thereafter, the petitioner has not evinced any interest to appear before the court and hence, the learned Judicial Magistrate has split up the case against the petitioner and numbered as C.C.No.170 of 2013. He further submitted that since the petitioner has not appeared for a very long time, the aforesaid case is pending without any progress. Hence, he strongly oppose the petition.

5.Considering the aforesaid submissions, the petitioner is directed to surrender before the learned Judicial Magistrate No.I, Madurai within two weeks from the date of receipt of a copy of this order and file a petition under Section 70(2) Cr.P.C. The learned Judicial Magistrate No.I, Madurai has to consider the said application and pass order on merits either by allowing or dismissing the application on the same day, without adjourning the same.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I, Madurai.

2.The Inspector of Police,
Central Crime Branch,
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.A.Kannan, Advocate SR.No. 52448

CRL.O.P.(MD)No.2617 of 2018

vs

JM/KKR/SAR 3/19.03.2018/2P/5C