



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

Cr1.O.P(MD).No.2906 of 2018

K.Kulothungan

... Petitioner/Sole Accused
Vs.

State represented by
The Inspector of Police,
City Crime Branch,
Tirunelveli City.
(in Cr.No.5 of 2002)

... Respondent/Complainant

PRAYER: Petition is filed under Section 482 of Code of Criminal Procedure, to direct the learned Judicial Magistrate No.I, Tirunelveli to accept the surrender of the petitioner and consider his warrant recall petition under Section 70(2) of Cr.P.C on the same day on merits in relating to C.C.No.193 of 2003 on the file of the Judicial Magistrate No.I, Tirunelveli.

For Petitioner : Mr.S.R.A.Ramachandhran

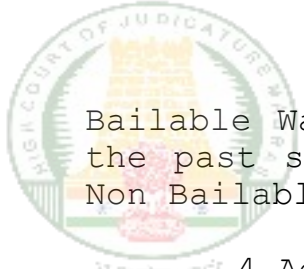
For Respondent : Mr.Prabu Ramachandran
Government Advocate

O R D E R

This petition has been filed by the accused to direct the Judicial Magistrate No.I, Tirunelveli to consider and dispose of the petition to be filed by the petitioner under Section 70(2) of Cr.P.C on the same day in C.C.No.193 of 2003.

2. The learned counsel for the petitioner has submitted that the petitioner is facing trial for the charges under Sections 465, 466, 468, 471 of IPC, based on the complaint filed by one K.Devaraj, Joint Director of Higher Education. He further submitted that after receipt of summons, the petitioner has regularly appeared before the Trial Court from 2003, without fail and when the case was posted on 14.11.2011, the petitioner fell in ill and hence, he could not appear before the Trial Court and consequently, Non Bailable Warrant was issued. He further submitted that the Judicial Magistrate No.I, Tirunelveli, may be directed to consider and dispose of the petition to be filed by the petitioner under Section 70 (2) of Cr.P.C on the same day.

3. The learned Government Advocate has submitted that the petitioner did not appear from 14.11.2011 and hence, the Non



Bailable Warrant was issued by the Trial Court and thereafter, for the past seven years he did not evince any interest to recall the Non Bailable Warrant. Hence, he strongly opposed this petition.

4. Admittedly, the Non Bailable Warrant is pending against the petitioner from 14.11.2011. Hence, the petitioner is directed to surrender before the Judicial Magistrate No.I, Tirunelveli and file a petition to recall the Non Bailable Warrant under Section 70 (2) of Cr.P.C, within a period of two weeks from the date of receipt of a copy of this order. On such surrender and filing of the petition to recall the Non Bailable Warrant, the Judicial Magistrate No.I, Tirunelveli has to consider the application and dispose of the same, on the same day either to allow or dismiss, without any adjournment of the said petition.

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

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Tirunelveli.

2. The Inspector of Police,
City Crime Branch,
Tirunelveli City.

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

+1CC to Mr.S.R.A.Ramachandhran, Advocate, SR.No. 54035

CrI.O.P (MD) .No.2906 of 2018
08.03.2018

rmk
AM/GT/SAR 4/02.04.2018/2P/5C