



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

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Crl.O.P. (MD) .No.7090 of 2018

and

Crl.M.P. (MD) No.3386 of 2018

V.Selvanathan

...Petitioner/ 1st Respondent

Vs.

1.Sahana

...1st Respondent/ Petitioner

2.R.Velandi

3.Annapackiam

4.Selvanayaki

5.Masilamaniraja

...Respondents 2 to 5/
Respondents 2 to 5

PRAYER: Criminal Original Petition filed under Section 407 of the Criminal Procedure Code, to transfer of Enquiry/Trial in D.V.No.23 of 2017 pending on the file of the learned Judicial Magistrate No.1, Tuticorin to any Judicial Magistrate, Tirunelveli for further enquiry/trial.

For Petitioner

:Mr.B.Rajesh Saravanan

For Respondents

:Mr.Thiruvadi Kumar

O R D E R

The petitioner seeks transfer of the proceedings in D.V.No.23 of 2017 pending on the file of the learned Judicial Magistrate No.I, Tuticorin to any other Court.

2.When the matter was taken up for hearing, the learned counsel appearing for the first respondent submitted that the petitioner was directed to pay a sum of Rs.5,000/- per month as interim maintenance on 08.02.2018. Since the said direction was not complied with, the petitioner was asked to appear before the concerned Court below. Since he did not appear, a Non-Bailable Warrant came to be issued.

3.This Court is of the view that relief can be granted to the petitioner as regards the issuance of Non-Bailable Warrant. The petitioner shall appear before the trial Magistrate on the next hearing date and apply for recall of warrant. On such application being filed, the learned trial Magistrate shall recall the warrant on the same date.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The petitioner's counsel submitted that he is facing life threat. It is open to the petitioner to lodge a complaint before



the local police station. The local police station is directed to look into the matter and take appropriate action, in accordance with law. This Court has given certain directions regarding the Non-Bailable Warrant issued against the petitioner. It is made clear that Non-Bailable Warrant shall not be executed in the meanwhile.

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5. With these directions and observations, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To
The Judicial Magistrate No.1,
Tuticorin

Copy to :

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

+1cc to Mr.A.Thiruvadi Kumar Advocate in SR. No.64631
+1cc to Mr.B.Rajesh Saravanan Advocate in SR. No.64359

CP
KK/KKR/SAR 3/17.05.2018/2P/5C

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