



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Saturday, the Eleventh day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) Nos.6430 and 6431 of 2018
IN
CRL OP(MD) Nos.11137 and 11138 of 2018

N.JAMUNA

... PETITIONER/ PETITIONER
IN BOTH THE PETITIONS

Vs

1 STATE REP.BY
THE INSPECTOR OF FACTORIES,
THOOTHUKUDI.
(STC NO.205 OF 2013)

2 STATE REP.BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

... RESPONDENTS/ RESPONDENTS
IN CRL MP(MD) No.6430 of 2018
IN CRL OP(MD) No.11137 of 2018

1 STATE REP.BY
THE INSPECTOR OF FACTORIES,
THOOTHUKUDI.
(STC NO.206 OF 2013)

2 STATE REP.BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

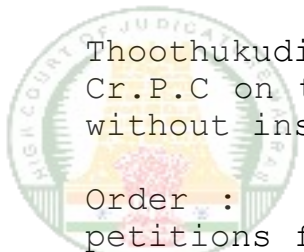
... RESPONDENTS/ RESPONDENTS
IN CRL MP(MD) No.6431 of 2018
IN CRL OP(MD) No.11138 of 2018

PRAYER IN CRL MP(MD) No.6430 of 2018 IN CRL OP(MD) No.11137 of 2018:
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the order in Crl.OP(MD)No. 11137/2018 dated 05.07.2018 by directing the learned Chief Judicial Magistrate, Thoothukudi to accept the warrant recall petition filed U/s. 70(2) Cr.P.C on the basis of the petition filed under section 205 Cr.P.C. without insisting the petitioner's presence and recall the warrant.

Prayer in CRL MP(MD) . 6431/ 2018 :

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

To modify the order in Crl.OP(MD)No. 11138/2018 dated 05.07.2018 by directing the learned Chief Judicial Magistrate,



Thoothukudi to accept the warrant recall petition filed U/s. 70(2) Cr.P.C on the basis of the petition filed under section 205 Cr.P.C. without insisting the petitioner's presence and recall the warrant.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.VEERAKATHIRVAN, Senior Counsel for Mr.S.PARTHASARATHI, Advocate for the petitioner in both the petitions and of Mr.A.P.G.OHM CHAIRMA PRABHU, Government Advocate(Crl.Side) on behalf of the Respondents in both the petitions, the court made the following order:-

The learned Senior Counsel appearing for the petitioner submitted that the petitioner is having serious medical issues and wanted this Court to grant her relief of exemption from personal appearance. He submitted that this is a case, in which, the accused proposed to plead guilty and that therefore, the same can be done through the counsel also.

2. This Court made it clear that the petitioner will have to appear in person before the learned Chief Judicial Magistrate, Tuticorin. Thereupon, the learned Senior Counsel submitted that to avoid causing hardship to the petitioner, the formalities of recalling the warrant, furnishing of copies and pleading guilty and pronouncement of sentence can all be carried out on the same day.

3. This Court accepts the said request made by the learned Senior Counsel for the petitioner.

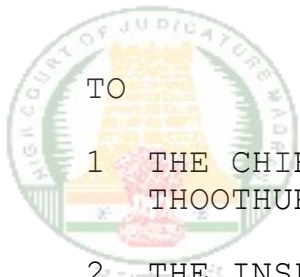
4. The petitioner is permitted to appear before the learned Chief Judicial Magistrate, Tuticorin on 23.08.2018 and apply for recall of warrant issued against her. The learned Chief Judicial Magistrate, Tuticorin is directed to re-call warrant on the same day. It is made clear that the copies shall be served on the petitioner herein on 23.08.2018. The learned Senior Counsel submits that since the petitioner intends to plead guilty, the same can be accepted and final orders can be pronounced on the same day. The learned Chief Judicial Magistrate shall record the petitioner's plea and pass final orders on the same day i.e on 23.08.2018.

5. However, the petitioner in other Original Petition namely, Nagalingam Mantrisabhai shall appear on 16.08.2018 as earlier directed by this Court on 05.07.2018.

6. With these directions, the miscellaneous petitions are allowed.

sd/-
11/08/2018

/ TRUE COPY /



TO

1 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

2 THE INSPECTOR OF FACTORIES,
THOOTHUKUDI.

3 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. C.C. to Mr.S.PARTHASARATHI Advocate SR.Nos.15383,15384

ORDER IN

CRL MP(MD) Nos.6430 and 6431 of 2018

IN

CRL OP(MD) Nos.11137 and 11138 of 2018

Date :11/08/2018

MS/PN/SAR-2/13.08.2018/3P.7C