



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.17843 of 2018

Sabarinathan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Control Room,
Incharge - North & South Traffic
Investigation Wing,
Trichy City.
(Crime No.139 of 2014)

... Respondent

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code seeking to dispense with the personal appearance of the petitioner in S.T.C.No.226 of 2016 on the file of the learned Judicial Magistrate No.V, Tiruchirappalli, by setting aside the bailable warrant dated 22.08.2017.

For Petitioner: Mr.J.Selvam

For Respondent: Mr.R.Anandharaj,

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to dispense with the personal appearance of the petitioner in S.T.C.No.226 of 2016 and also to set aside the bailable warrant issued against the petitioner by the Court below on 22.08.2017.

2. When the matter came up for hearing on the last occasion, the learned Counsel for the petitioner submitted that the petitioner is doing his higher studies in Texas, U.S.A., and the learned Counsel sought time to get instructions as to when the petitioner will come to India, so that this Court can direct the proceedings to be completed during the period when the petitioner is present in India. The learned Counsel, on instructions, would submit that the petitioner will come back to India on 15.12.2018 and will stay in India for a period of one month.

3. The learned Counsel for the petitioner would submit that all the witnesses, examined on the side of the prosecution till



now, have been cross examined on the side of the petitioner. He would further submit that the bailable warrant issued against the petitioner should be re-called in order to enable the petitioner to attend the Court proceedings.

4. The learned Additional Public Prosecutor, on instructions, would submit that there are totally thirteen witnesses to be examined on the side of the prosecution, out of which, already the prosecution has examined ten witnesses and there are three more witnesses to be examined by the prosecution. The learned Additional Public Prosecutor would further submit that a look out circular has been issued against the petitioner, since a warrant was issued against him and he did not appear before the Court.

5. This Court has carefully considered the submissions made on either side.

6. The petitioner is facing trial before the Court below for the offence under Sections 279 and 304(A) IPC. The Counsel for the petitioner has already cross examined all the witnesses, who have been examined by the prosecution. The petitioner is undergoing his higher studies in U.S.A., and that is reason why he was not able to be present before the Court at the time of hearing.

7. In view of the submissions made by the learned Counsel for the petitioner, this Court deems it fit to permit the petitioner to appear before the Court below on 16.12.2018. From that day onwards, the trial shall be conducted on a day-to-day basis and the respondent Police is directed to examine the remaining three witnesses. These witnesses will be cross examined on the side of the petitioner on the same day they are examined in chief. The Court below is directed to complete the proceedings on or before 15.01.2019.

8. In the result, the bailable warrant issued against the petitioner is hereby recalled. The respondent Police is directed to immediately give instructions to the concerned Immigration Office to keep the look out circular pending, in order to enable the petitioner to enter into India and to attend the Court proceedings. This process shall be undertaken by the respondent Police immediately.

9. This Criminal Original Petition stands disposed of in the above terms.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-I)



To

1.The Judicial Magistrate No.V,
Tiruchirappalli.

2.The Inspector of Police,
Control Room,
Incharge - North & South Traffic
Investigation Wing,
Trichy City.

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

+ 1 CC TO MR.J.SELVAM, ADVOCATE IN SR NO.92311

GK

BU/SKN/SAR-1:01.11.2018 :3P/5C

Cr1.O.P. (MD) No.17843 of 2018
26.10.2018