

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.333 & 335 of 2019

R.Rajasekaran

... Petitioner/Accused
in both Crl.O.Ps

-Vs-

Mithunkumar

... Respondent/Complainant in both
Crl.O.Ps

Common Prayer in both Crl.O.Ps: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the Trial Court namely the Learned Fast Track Court Magisterial Level No.II, Poonamallee, Thiruvallur District to consider the Petition to be filed by the Petitioner namely a Petition for recall the Non Bailable Warrant dated 01.08.2018 in S.T.C.Nos.325 and 323 of 2015 respectively on the very same day.

For Petitioner : Mr.S.Rajan Babu
in both Crl.O.Ps
COMMON ORDER

These petitions have been filed to direct the Trial Court namely the Learned Fast Track Court Magisterial Level No.II, Poonamallee, Thiruvallur District to consider the Petition to be filed by the Petitioner namely a Petition for recall the Non Bailable Warrant dated 01.08.2018 in S.T.C.Nos.323 and 325 of 2015.

2. It is seen from records that the petitioner has been convicted for an offence under Section 138 of Negotiable Instrument Act and since the petitioner was not present on the date of passing of the judgment by the trial court, a Non Bailable Warrant was issued to secure the petitioner in order to undergo the sentence.

3. The petitioner without filing any appeal and seeking for suspension of sentence, has directly approached this Court seeking for recalling the Non Bailable Warrant. Therefore, this petition is not maintainable before this Court. The petitioner has to necessarily workout his remedy by filing an appeal and seek for suspension of sentence before the appropriate Court.

4. In the result, these Criminal Original Petitions are dismissed.

Sd/-
Assistant Registrar(CSiv)

//True Copy//

Sub Assistant Registrar

ssr/ub

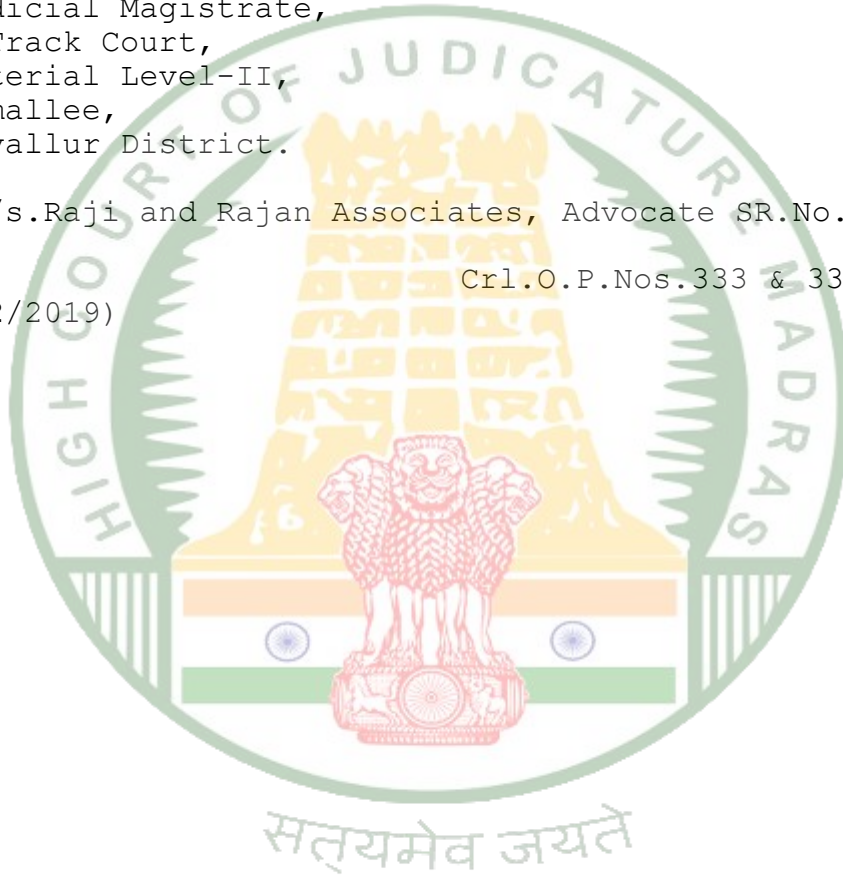
To

1. The Judicial Magistrate,
Fast Track Court,
Magisterial Level-II,
Poonamallee,
Thiruvallur District.

+1cc to M/s.Raji and Rajan Associates, Advocate SR.No. 1771

Cr1.O.P.Nos.333 & 335 of 2019

A.SK(01/02/2019)



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