

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 30.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2441 of 2019

D.Selvakumar @ Periyannayagaraj... Petitioner/2nd Accused

Vs.

State Rep. By,
The Inspector of Police,
Central Crime Branch,
Egmore, Chennai.
(Crime No.25 of 2004) Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in M.P.No.192 of 2019 in C.C.No.22901 of 2004 on the file of the learned Special Judge exclusively for CCB/CBCID cases Metropolitan Magistrate, Egmore, Chennai and set aside the order dated 11.01.2019.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the petition filed under Section 317 Cr.P.C and issuing a Non Bailable Warrant against the petitioner by an order dated 11.01.2019.

2.It is seen from records that the petitioner has been added as A2 in the final report filed by the respondent police for an offence under Sections 419, 420 363, 392 and 120(b) of IPC.

3.The Court below dismissed the petition filed under Section 317 Cr.P.C on the ground that the petitioner who was asked to appear during every hearing, had failed to comply with the condition and therefore the petition filed under Section 317 cannot be entertained.

4.Taking into consideration the facts and circumstances of the case, the order passed by the Court below is hereby set aside and the Non Bailable Warrant is recalled. The petitioner shall appear before the Court below as and when required by the Court below. The Court below is directed to complete the proceedings in C.C.No.22901 of 2004 within a period of three months from the date of receipt of a copy of this order.

5.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS)
//True Copy//
Sub Assistant Registrar

vsg1/ia
To:

- 1.The Metropolitan Magistrate,
(CCB/CBCID cases)
Egmore,
Chennai
- 2.The Inspector of Police,
Central Crime Branch,
Egmore, Chennai.
- 3.The Public Prosecutor,
Madras High Court,
Madras.

Cr1.O.P.No.2441 of 2019
A.SK(31/01/2019)

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