IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.12762 of 2019

P.Senthilkumar ... Petitioner/Accused

Vs.

P.Ragunathan ... Respondent / Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Judicial Magistrate, Kangayam to consider the recall warrant petition to be filed by the petitioner for the warrant issued on 24.04.2019 in the judgment dated 25.03.2019 in C.C.No.11 of 2016 on the file of the Judicial Magistrate, Kangayam and accept the sureties to be furnished by the petitioner pursuant to the order passed in Crl.M.P.No.457 of 2019 in C.A.No.43 of 2019 dated 23.04.2019.

For Petitioner : Mr.C.S.Saravanan

For Respondents : Ms.M.Prabhavathi, Additional Public Prosecutor

ORDER

The petitioner was convicted by the Judicial Magistrate, Kangeyam for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay fine. This sentence was suspended by the trial court till 24.04.2019. In the mean time, the petitioner filed an appeal before the Principal Sessions Judge, Tiruppur in C.A.No.43 of 2019 and he has also filed an application seeking for suspension of sentence in Crl.M.P.No.457 of 2019. The Principal Sessions Judge, Tiruppur by order dated 23.04.2019 suspended the sentence till the disposal of the appeal and imposed certain conditions.

2. The learned counsel appearing for the petitioner submitted that by the time the petitioner made arrangements for

WEB COPY

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

executing the sureties, the Judicial Magistrate, Kangeyam issued a non bailable warrant on 24.04.2019, on the ground that the suspension of sentence was granted only till 24.04.2019.

3. The learned counsel appearing for the petitioner further submitted that view of the order of the appellate court suspending the sentence, the petitioner should be permitted to execute the sureties before the trial court and the non bailable warrant has to be recalled.

4. Taking into consideration the facts and circumstances of the case, the non bailable warrant issued on 24.04.2019 by the learned Judicial Magistrate, Kangeyam is hereby recalled and the petitioner is directed to surrender and comply with the condition imposed by the Principal Sessions Judge, Tiruppur in Crl.M.P.No.457 of 2019 in C.A.No.43 of 2019, within a period of one week from the date of receipt of a copy of this order.

5. Accordingly, the criminal original petition is disposed of.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Judicial Magistrate, Kangayam.

2. Do through The Chief Judicial Magistrate, Tiruppur.

3. The Principal Sessions Judge, Tiruppur.

4. The Additional Public Prosecutor, Chennai.

+1 cc to Mr.C.S.Saravanan, Advocate, Sr.No. 43575

Crl.O.P.No.12762 of 2019

CSL/17.05.2019

WEB COPY

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