

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.07.2019
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.18518 of 2019
and Crl.M.P No.9379 of 2019

P.A.P.Rathinam

Petitioner/Accused

vs.

S.Jayaprathaban

Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Judicial Magistrate, Tirutani (By I/C learned Judicial Magistrate-II, Thiruvallur) in Crl.M.P.No.2245 of 2019 in STC No.316 of 2016 by an order dated 06.07.2019.

For Petitioner : Mr.S.Suresh

ORDER

This petition has been filed challenging the order passed by the Court below directing the petitioner to deposit a sum of Rs.50,000/- as a condition for recalling the non-bailable warrant issued against the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner was regularly appearing before the Court below and he did not appear on 10.05.2019 due to ailments. The counsel also did not unfortunately appear on that day and therefore the petitioner was called absent and a non-bailable warrant was issued against the petitioner. Therefore, the petitioner filed a petition to recall the non-bailable warrant and the Court below while recalling the non-bailable warrant had imposed an onerous condition to the effect that the petitioner should pay a sum of Rs.50,000/- to the complainant on or before 12.07.2019.

3. The learned counsel for the petitioner submitted that the petitioner will co-operate for the early disposal of the complaint and will appear before the Court below during all the hearing dates.

4. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that the Court below ought not to have imposed such an onerous condition against the petitioner while recalling the non-bailable warrant. The condition imposed by the Court below is hereby set aside.

5. This Criminal Original Petition is disposed of with a direction to the learned Judicial Magistrate, Thiruthani to dispose of STC No.316 of 2016, within a period of three months from the date of receipt of copy of this Order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

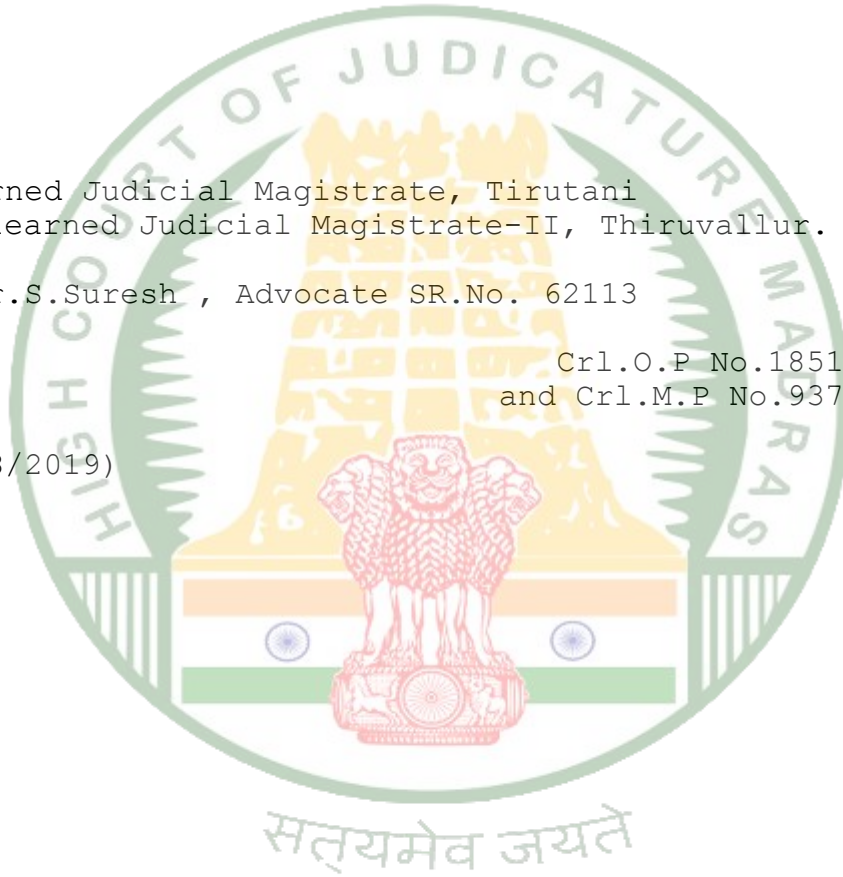
ssr
To

1.The learned Judicial Magistrate, Tirutani
By I/C learned Judicial Magistrate-II, Thiruvallur.

+1cc to Mr.S.Suresh , Advocate SR.No. 62113

Crl.O.P No.18518 of 2019
and Crl.M.P No.9379 of 2019

rsi (CO)
A.SK(22/08/2019)



WEB COPY

18.07.2019