



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.12.2019

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN, J.

Cr1.O.P.No.34820 of 2019

Palanisamy

...Petitioner/A3

Vs

The Inspector of Police,
Meensurthy Police Station,
Ariyalur District.
(Crime No.130 of 2008)

....Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C to direct the learned Additional District And Sessions Judge, for FTC II, Salem to recall the non-bailable warrant issued against the petitioner on 26.07.2019 without insisting his presence in S.C.No.138 of 2013.

For Petitioner : Mr.Rajasekar

For Respondents : Mr.T.Shunmugarajeswaran
Government Advocate
(Criminal side)

O R D E R

The petitioner is facing trial in S.C.No.138 of 2013 on the file of the learned Additional District and Sessions Judge for FTC-II, Salem for the offences under Sections 147, 148, 120(b), 307, 302, 326, 201 r/w. 302 IPC. He was absent on 26.07.2019 which leading to issuance of Non Bailable Warrant against him. The petitioner seeks recall of warrant, without insisting of his appearance.

2. Iam not inclined to dispense with the personal appearance of the petitioner. It is submitted that the next date of hearing is fixed on 09.01.2020.

3. The learned counsel appearing for the petitioner on instructions undertakes that the petitioner will appear before the Court below on 09.01.2020 and shall apply for recall of the warrant.



4. It is directed that the learned Trial Court shall recall the warrant on the same day and this direction is issued based on the undertaking given by the learned counsel appearing for the petitioner that the petitioner will attend all the future hearing dates without any default; If he is unable to appear, he should ensure that his counsel represents him and files an application under Section 317 Cr.P.C. In other words, on account of the absence of the petitioner, the trial will not be stalled. If the undertaking is breached, the benefit of the order granted by this Court will be vacated.

5. With these directions, this Criminal Original Petition is disposed of. The Non Bailable Warrant issued against the petitioner will be kept in abeyance till then.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Additional District and Sessions Judge,
FTC II, Salem.

2.The Inspector of Police,
Meensurthy Police Station,
Ariyalur District.

3.The Public Prosecutor,
Madras High Court.

+1cc to Mr.Rajasekar, Advocate SR.No.106858

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SV(CO)
GMY(03/01/2020)