

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P.NO.35045 OF 2019

1. M/s. Metronic Integrate System Pvt.
Ltd., represented by its authorised
Signatory Mr.S.Manikavasagam.

2. Mr.S.Manivasagam,
Authorised Signatore,
M/s.Metronic integrate System Pvt.Ltd.,
No.63, 2nd Floor, C.P.Ramasamy Road, Abiramapuram,
Chennai 600 018.

..Petitioners

Vs

1. The Inspector of Police,
Abiramapuram Police Station,
Mylapore,
Chennai 600 004.

2. M/s.Jai Sai Associates,
by partner Krishna Kumar,
represented by its PA.Mr.Saravanakumar
Plot No.49, A.Thamarai Nagar,
3rd Street, Kavundampalayam,
Coimbatore 641 030.

..Respondents

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C.
to direct the Fast Track Magistrate No.II, Coimbatore to recall
the non-bailable warrant issued against them on 17.12.2019 in
C.C.No.408 of 2019 on the file of the Fast Track Magistrate
No.II, Coimbatore.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.T.Shunmugarajeswaran
Govt.Advocate(Crl.side) for R1

ORDER

The petitioners are accused in C.C.No.408 of 2019 on the file of Fast Track Court/Judicial Magistrate II, Coimbatore for the offence under section 138 of Negotiable Instruments Act. The 2nd petitioner herein appeared before the Court and received the copies. The charges were also denied, but the 2nd petitioner was not present when the case was listed on 17.12.2019, but then petition under section 317 Cr.P.C. was filed. It appears that the court below dismissed the said petition and issued non bailable warrant against the 2nd petitioner herein. Challenging the same, this Criminal Original Petition has been filed.

2. When the 2nd petitioner has already entered appearance and also denied the charges, there was really no need and necessity for the 2nd petitioner to appear on 17.12.2019. I am of the view that in such cases, if there is no representation even through counsel, it could be viewed strictly by the lower court, but in this case, the counsel did represent the petitioners and also filed a petition under section 317 Cr.P.C., Therefore, I am of the view that dismissal of the said petition was not justified. This is a matter only between the petitioner and the court. Therefore, notice to the 2nd respondent is dispensed with. Therefore the order passed by the court below on 17.12.2019 dismissing the petition filed under section 317 Cr.P.C. is set aside.

3. It is undertaken by the learned counsel for the petitioners that the 2nd petitioner shall appear before the court below on 29.4.2020. Recording the said undertaking, this petition is allowed. The warrant issued against the 2nd petitioner is set aside.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Inspector of Police,
Abiramapuram Police Station,
Mylapore,
Chennai 600 004.

2. The Fast Track Magistrate No.II,
Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B. Kumarasamy, Advocate, S.R.No.106899

Cr1.O.P.No.35045 of 2019

CP(CO)
CS/03/02/2020



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