



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
Crl.O.P.[MD]No.3977 of 2019

S.Ramesh

:Petitioner

Vs.

The State of Tamil Nadu,
Rep. By the Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.

: Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the Judicial Magistrate No.1, Kuzhithurai to recall the Non Bailable Warrant issued against the petitioner in STC No.368 of 2009 dated 01.07.2009 on the date of surrender.

For Petitioner : Mr.C.K.M.Appaji
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

The present petition has been filed to direct the Judicial Magistrate No.1, Kuzhithurai to recall the Non Bailable Warrant issued against the petitioner in STC No.368 of 2009 dated 01.07.2009 on the date of surrender.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

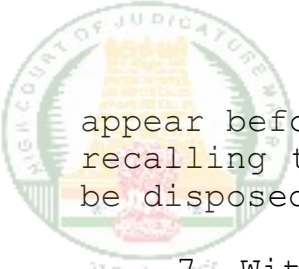
3. The learned counsel for the petitioner submits that the petitioner is an Assistant Professor of SM Engineering College, that he faces charge under Sections 147 and 285 IPC in S.T.C.No.368 of 2009, that in the FIR the petitioner's name is not included, that after charge sheeting the same no summons has been issued on him by the learned Magistrate.

4. The learned Government Advocate (Crl.Side) submits that the warrant is pending against the petitioner from 01.07.2009.

5. It is important that at the time when the Court takes cognizance of offence, it ought to verify whether summons have been issued on the accused persons and only in the eventuality of their non-response, warrant may have to be issued.

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

6. Having said that, this Court directs the petitioner to



appear before the concerned Court and file necessary application for recalling the warrant pending against him and when so filed, it may be disposed of on the same date.

7. With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Judicial Magistrate No.I,
Kuzhithurai.
- 2.The Chief Judicial Magistrate,
Kanyakumari District
- 3.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.K.M.Appaji, Advocate, SR.No.54211

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15.03.2019

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