



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.(MD).No.8843 of 2019

K.Sundararaj : Petitioner
Vs.

The State rep by
The Inspector of Police,
Civil Supplies CID,
Trichy District.
(Crime No.468 of 2011) : Respondents

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to direct the learned Judicial Magistrate Court No.VI, Trichy to accept the surrender of the petitioner and consider the warrant recall application on the date of surrender in connection with C.C.No.186 of 2014 on the file of the learned Judicial Magistrate No.VI, Trichy on the very same day.

For Petitioners : Mr.B.Jameelarasu
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the learned Judicial Magistrate Court No.VI, Trichy to accept the surrender of the petitioner and consider the warrant recall application to be filed in C.C.No.186 of 2014.

2.The grievance of the petitioner is that the petitioner is arrayed as accused in C.C.No.186 of 2014 on the file of the learned Judicial Magistrate Court No.VI, Trichy. During trial, on 24.04.2014 the petitioner did not appear before the Court. In the above circumstances, the trial Court issued Non-Bailable Warrant and the same is pending. To recall the same, the petitioner has filed the present petition.

3. The learned counsel for the petitioner would submit that only due to the death of his counsel, the petitioner did not appear before the Court and now he has also given an undertaking that he is ready and willing to appear before the court and file a petition to recall the warrant but the petitioner apprehends that the trial Court may not pass orders on the same day of his surrender.



4. Admittedly, the warrant is pending from 24.04.2014. If at all the petitioner wants to file a petition to recall the warrant, it is always open to him to surrender before the concerned Magistrate with necessary application to recall the warrant. If any such application is filed, the learned Magistrate is directed to consider the same and pass orders on merits.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS-)

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To

1.The Judicial Magistrate Court No.VI,
Trichy.

2.The Inspector of Police,
Civil Supplies CID,
Trichy District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-71344[F] dated 26/06/2019)

Order made in
CRL.O.P. (MD) .No.8843 of 2019

Dated: **25.06.2019**

ES/16.07.2019/2P/5C