



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.(MD)No.10394 of 2019

Srinivasan

... Petitioner/Accused

Vs.

Varatharaj

....Respondent/Complainant

Prayer: This Criminal Original Petition has been filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate No.I, Thuraiyur to receive the petition under Section 70(2) of Criminal Procedure Code and recall the bailable warrant issued by the learned Judicial Magistrate No.I, Thuraiyur dated 16.11.2017 without insisting the petitioner to surrender before the learned Judicial Magistrate No.I, Thuraiyur, Trichy District in S.T.C.No.290 of 2017.

For Petitioner

: Mr.A.P.Balasubramanian

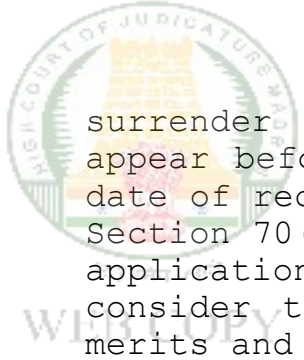
ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.I, Thuraiyur to receive the petition under Section 70(2) of Criminal Procedure Code and recall the bailable warrant issued by the learned Judicial Magistrate No.I, Thuraiyur dated 16.11.2017 without insisting the petitioner to surrender before the learned Judicial Magistrate No.I, Thuraiyur, Trichy District in S.T.C.No.290 of 2017.

2.The learned counsel appearing for the petitioner would submit that due to illness and mental strain, the petitioner could not appear before the trial Court on designated date of hearing. Since the petitioner was remanded in other cases, while he was in judicial custody, on 16.11.2017 a bailable warrant issued by the learned Judicial Magistrate No.I, Thuraiyur in S.T.C.No.290 of 2017 for his non appearance. Now, the petitioner is willing to surrender before the trial Court to file a petition under Section 70(2) Cr.P.C for recalling the bailable warrant issued by the learned Judicial Magistrate No.I, Thuraiyur in S.T.C.No.290 of 2017, but the petitioner apprehends that he may be remanded on the date of surrender. Hence, he filed this Criminal Original Petition.

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

3.Considering the fact that the petitioner is willing to



surrender before the Court below, the petitioner is directed to appear before the Court below within a period of one week from the date of receipt of a copy of this order and to file a petition under Section 70(2) Cr.P.C to recall the bailable warrant. On filing such application, the Judicial Magistrate No.I, Thuraiyur is directed to consider the petitioner's application and pass orders on its own merits and in accordance with law on the same day of his surrender.

4.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Judicial Magistrate No.I
Thuraiyur
Trichy District

2.The Chief Judicial Magistrate,
Trichy District

Cr1.O.P. (MD) No.10394 of 2019
24.07.2019

_KK/SAR/02.08.2019/2P-3C/