



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD).No.15726 of 2019

WEB COPY

S.P.Chidambaram

... Petitioner/Petitioner/
Accused

Vs.

State Rep. by
The Inspector of Police
Arumanai Police Station
Kanyakumari District
Crime No. 287 of 2001

... Respondent/Respondent/
Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to set aside the order passed in Cr.MP.No 4782 of 2019 in C.C. NO. 247 of 2017 dated 11.10.2019 on the file of the Judicial Magistrate No.I, Kuzhithurai and direct the learned JM NO.I, Kuzhithuri to recall the Non- Bailable Warrant issued against the petitioner on 28.08.2018 without insisting the personal appearance of the petitioner.

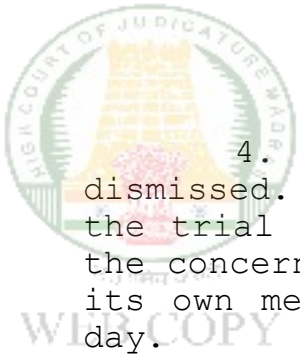
For Petitioner : Mr.S.R.A.Ramachandran
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

O R D E R

This Criminal Original petition has been filed to set aside the order passed in Cr.MP.No 4782 of 2019 in C.C. NO. 247 of 2017 dated 11.10.2019 on the file of the Judicial Magistrate No.I, Kuzhithurai and direct the learned Judicial Magistrate No.I, Kuzhithuri to recall the Non- Bailable Warrant issued against the petitioner on 28.08.2018 without insisting the personal appearance of the petitioner

2. It is seen that the petitioner was charged for the offences under Sections 342,325 and 218 of IPC. Due to the absence of the petitioner, the learned Magistrate has issued Non Bailable warrant against the petitioner and the same is also pending. But the trial court after careful examination dismissed the petition on the ground that though sufficient opportunity given to the petitioner, he did not cross examine the witnesses and only to drag on the proceedings he has filed the petition.

3. Hence this Court finds no infirmity or illegality in the order passed by the Court below.



4. In the result, this Criminal Original Petition stands dismissed. However, the petitioner is at liberty to appear before the trial court to recall the warrant. On filing of such petition, the concerned learned Magistrate is directed to consider the same on its own merits in accordance with law and pass orders on the same day.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.I, Kuzhithuri
2. The Inspector of Police
Arumanai Police Station
Kanyakumari District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

Crl.O.P(MD) No. 15726 of 2019
31.10.2019

AAV

MK (08.11.2019) 2P 4C