

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.766 of 2020

Sam Sunder Singh

... Petitioner

Vs.

The Inspector of Police
K-4, Anna Nagar Police Station
Chennai.
(Cr.No.1060/2009)

... Respondent

Criminal Revision Petition filed under Section 397 of Cr.P.C., praying to set aside the orders passed by the learned V Metropolitan Magistrate, Egmore, in Crl.M.P.No.1697 of 2020 in P.R.C.No.254/2010 in Cr.No.1060/2009 dated 13.08.2020 and recall the non-bailable warrant against the petitioner from the above case.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondent : Mrs.P.Kritika Kamal
Govt. Advocate (Crl. Side)

ORDER

This case is taken up through Video Conferencing.

2. This criminal revision has been filed seeking to set aside the order dated 13.08.2020 passed by the learned V Metropolitan Magistrate, Egmore, Chennai, in Crl.MP.No.1697 of 2020 in P.R.C.No.254/2010 in Cr.No.1060/2009.

3. It is seen that the petitioner is an accused in P.R.C.No.254/2010 in Crime No.1060/2009, on the file of the learned V Metropolitan Magistrate, Egmore, Chennai, and non-bailable warrant is pending against the petitioner, on account of which, the learned Magistrate has not been able to commit to the Court of Session. While so, the petitioner filed an application in Crl.MP.No. 1697 of 2020 in P.R.C.No.254/2010,

through video conferencing, for recall of non-bailable warrant under Section 70(2) of Cr.P.C., which has been dismissed by the trial Court on 13.08.2020, against which, the petitioner has filed the present revision petition.

4. Heard Mr.T.V.G.Kartheeban, learned counsel for the petitioner, who submitted that the petitioner was suffering from fever and that is why, he was not able to appear personally before the V Metropolitan Magistrate, Egmore, and that he had appeared only via video conferencing.

5. In the opinion of this Court, since the cases are heard through video conferencing, the petitioner cannot take advantage of it, and seek recall of non-bailable warrant. That apart, the remedy for the petitioner is to surrender before the learned V Metropolitan Magistrate, Egmore, Chennai and contest the case. If the petitioner does not surrender, it is always open to the police to execute the non-bailable warrant, arrest the petitioner and produce him before the learned V Metropolitan Magistrate, Egmore, Chennai.

6. This Criminal Revision Petition is devoid of merits and hence, it is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ds
To:

- 1.The V Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

+1cc to M/s.T.V.G.Kartheeban, Advocate SR.29689

Cr1.R.C.No.766 of 2020

bp[co]
srg 02/11/2020