



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.02.2020**

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P. (MD)No.2203 of 2020

1. Syed Ibrahim
2. Riyaskhan @ Niyaskhan
3. Chellappa Kathar @ Mohamed Saliu ... Petitioners/
Accused 4,12,17

Vs

The Inspector of Police
Adirampattinam Police Station
Thanjavur District
(Crime No.108/2008)

... Respondent/Complainant

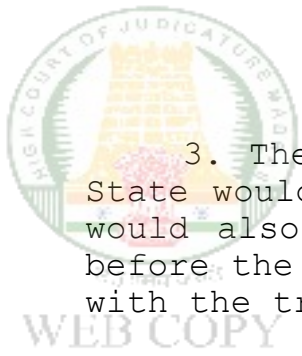
Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Sub Court, Pattukottai, Thanjavur District to consider the warrant recall petition in connection with S.C.No.519 of 2008 on the very same day.

For Petitioners : Mr.D.S.Haroon Rasheed
For Respondent : Mr.S.Chandrasekar
No.1 Additional Public Prosecutor.

ORDER

This petition has been filed to direct the Sub Court, Pattukottai, Thanjavur District to consider the warrant recall petition in connection with S.C.No.519 of 2008 on the very same day.

2.The learned counsel appearing for the petitioner would submit that the petitioners are rustic villagers . They are involved in two cases, one in S.C.No.519 of 2008 for the offence under Sections 147,341,323 and 307 of IPC which is pending on the file of the Sub Court, Pattukottai, Thanjavur District and another case in Crime No.109 of 2008 registered by the very same respondent police. Since simultaneously two cases were registered against the petitioners and they were under the impression that they have to appear before one Court and they all along appeared before the Magistrate Court. However due to their ignorance they have not appeared before the Sub Court, Pattukottai from 26.10.2015. Now they came to understand that a Non Bailable Warrant of arrest is issued against them and the case in S.C.No. 519 of 2008 stand posted on 17.04.2020. He would also submit that the petitioners are prepared to surrender before the trial Court and cooperate with the progress of the trial and would pray that a direction may be issued to consider the petition for recall on the same day of surrender.



3. The learned Additional Public Prosecutor appearing for the State would submit that the petitioners herein are A4,12 and 17. He would also submit that due to non appearance of these petitioners before the trial Court the respondents are unable to proceed further with the trial.

4.Taking into consideration submission made by the learned counsel for the petitioners, the petitioners are directed to surrender before the Sub Court, Pattukottai, Thanjavur District on the next hearing date. On such surrender, the Sub Court, Pattukottai, Thanjavur District , shall consider the application for recalling the Non-Bailable Warrant on the same day of their surrender and pass orders in accordance with law. On the date of surrender the petitioners shall file an affidavit that they will be duly represented by the counsel on all hearing dates and that their counsel will cross examine all the witnesses on the same day when they are examined in chief.

6.In the result, this Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

aav

To

The Subordinate Judge, Pattukottai, Thanjavur District

+1 CC to Mr.D.S.HAROON RASHEED, Advocate (SR-5505[F] dated 10/02/2020)

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