



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD)No.4746 of 2020

N.Raj Babu

...Petitioner/Petitioner/Accused

Vs

G.Jothimurugan

...Respondent/Respondent/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to set aside the impugned return order of the learned Judicial Magistrate (FTC), Srivilliputtur in unnumbered Crl.M.P SR.No.1756 of 2019 in C.C.No.11 of 2019 and direct the learned Judicial Magistrate consider the petitioner's warrant recall application without insisting the presence of the petitioner/accused.

For Petitioner

:

Mr.I.Sam Jegan

ORDER

The petitioner is figuring as accused in C.C.No.11 of 2019 on the file of the Judicial Magistrate, Fast Track Court, Srivilliputtur. It is a case arising under Section 138 of the Negotiable Instruments Act. Non bailable warrant was issued against the petitioner on 17.06.2019.

2.The petitioner through his counsel filed Crl.M.P.SR.No.1756 of 2019 for recalling the warrant without the petitioner being present. The same was not numbered by the Court below. Hence, this petition came to be filed.

3.I am of the view that the Court below is justified in declining to number the miscellaneous petition. However, taking note of the submissions made by the petitioner's counsel, I permit the petitioner to appear before the Court below on the next hearing date and apply for recall of warrant. On such application being filed, the same will be recalled on the same day. The petitioner will not be remanded to custody. Till then, non bailable warrant issued against the petitioner will be kept in abeyance. This petition is disposed of on these terms.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

The Judicial Magistrate (FTC),
Srivilliputtur.

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+1 CC to M/s.I.SAM JEGAN, Advocate (SR-12131[F] dated 17/03/2020)

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AP(26/05/2020) 2P 3C