



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.6523 of 2020

Sebasthiraj

... Petitioner

Vs.

State Rep.by

The Inspector of Police,
All Women Police Station,
Sivagangai.

... Respondent

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, to direct the Fast Track Mahila Court, Sivaganga District to recall the Non Bailable Warrant issued by him in S.C.No.48 of 2016, on the same day, in the event of his surrender in connection with S.C.No.48 of 2016, on the file of the respondent.

For Petitioners : Mr.M.S.Parthiban
For Respondent : Mr.S.Chandrasekar
Addl.Public Prosecutor.

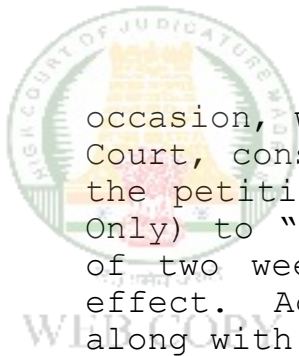
O R D E R

This Criminal Original Petition has been filed, seeking a direction to direct the Fast Track Mahila Court, Sivaganga District to consider the petitioner's petition to recall the Non Bailable Warrant issued in S.C.No.48 of 2016, on the same day of his surrender.

2.The learned counsel appearing for the petitioner would submit that the defacto complainant one Ms.Prema had given a false complaint against the petitioner, before the respondent police, stating that the petitioner along with the defacto complainant's uncle deceived her in the name of black magic, cheated and raped her. In view of that, an FIR was registered against the petitioner in Crime No.4 of 2015, for the offence punishable under Sections 417 and 376 of IPC., on 25.02.2015 and after completion of the enquiry, final report was filed on 17.06.2016 and the same was taken on file in S.C.No.46 of 2015, by the learned Fast Track Mahila Judge, Sivaganga. He would further submit that the petitioner is working as a cook in various reputed Hotels all over India. During pendency of the trial, the petitioner appeared before the trial Court in all hearings dates till 06.12.2017, but he was unable to appear before the trial Court twice, due to nature of his job. Hence, Non Bailable Warrant has been issued against him on 06.12.2017.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

4. On perusal of the records it is seen that on earlier



occasion, when the matter was listed for hearing on 25.06.2020, this Court, considering the facts and circumstances of the case, directed the petitioner to pay a sum of Rs.30,000/- (Rupees Thirty Thousand Only) to "The Nambikkai Special School", Sivaganga, within a period of two weeks from the date of order and produce a Memo to that effect. Accordingly, the petitioner filed a Memo, dated 06.08.2020, along with the receipt, for proof of payment.

5. At this Juncture, the learned counsel appearing for the petitioner would submit that without prejudice to his rights and contentions, the petitioner is prepared to surrender before the trial Court and cooperate with the progress of the trial.

6. Taking into consideration the submission made by the learned counsel for the petitioner, the petitioner is directed to surrender before the learned Fast Track Mahila Judge, Sivaganga District, on the next hearing date. On such surrender, the learned Judge, Fast Track Mahila Court, Sivaganga District, shall consider the application for recalling the Non-Bailable Warrant, on the same day of his surrender and pass orders in accordance with law.

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

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Fast Track Mahila Court,
Sivaganga District.
2. The Inspector of Police,
All Women Police Station, Sivagangai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
4. The Nambikkai Special School, Sivagangai.

+1 CC to M/s.M.S. PARTHIBAN, Advocate (SR-16057[F] dated 07/09/2020

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03.09.2020

KB(07.09.2020) 2P 5C

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