



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD) No.11719 of 2020

G.Chidambaram

... Petitioner/Accused No.1

Vs.

State rep. by its,

1. The Deputy Superintendant of Police,
Ramanathapuram,
Ramanathapuram District.

2. The Inspector of Police,
Abiramam police station,
Ramanathapuram District.

(Crime No.168 of 2019) ...1st and 2nd Respondents/Complainants

3. Muthammal

...3rd Respondent/Defacto complainant/
Victim

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the learned Special Court for SC/ST(POA) Act Cases, Ramanathapuram to consider the recall warrant application filed under Section 70(2) of Cr.P.C. by the petitioner on the same day of his surrender in Spl.S.C.No.2 of 2020 on its file.

For Petitioner	:	Mr.C.Susi Kumar
For R-1 & R-2	:	Mr.V.Neelakandan, Additional Public Prosecutor.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

2. The petitioner is facing trial in Spl.S.C.No.2 of 2020 on the file of the Special Court for SC/ST(POA) Act cases, Ramanathapuram. Non-Bailable Warrant was issued against the petitioner on 07.03.2020. On account of Covid-19 outbreak, the petitioner could not appear before the trial Court. The petitioner wants this Court to issue appropriate direction so that the application for Non-Bailable Warrant is considered and disposed of on the same day.

3. The petitioner undertakes to appear before the Court below on 02.11.2020. He gives a further undertaking that the petitioner will scrupulously attend all the future hearings. If the petitioner



is unable to appear, he will be represented by his counsel and petition for exemption under Section 317 of Cr.P.C. will also be filed.

4. Recording the said undertaking given by the petitioner, the petitioner is permitted to appear before the trial Court on 02.11.2020 and apply for recall of warrant. The learned Special Judge shall recall the warrant on the same day. The petitioner shall not be remanded. However, it is open to the learned Special Judge to impose appropriate terms on the petitioner so that in future such issues are avoided. Till 02.11.2020, the Non-Bailable Warrant shall be kept in abeyance.

5. The criminal original petition stands allowed on these terms.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Pmu

To:

1. The Deputy Superintendant of Police,
Ramanathapuram, Ramanathapuram District.
2. The Inspector of Police,
Abiramam police station, Ramanathapuram District.

Copy to:-

1. The Special Judge, Special Court for SC/ST (POA) Act Cases,
Ramanathapuram.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SASI KUMAR, Advocate (SR-20620[F] dated 20/10/2020)

Cr1.O.P.(MD)No.11719 of 2020
16.10.2020

SRK (CO)

AP (03/11/2020) 2P 6C