



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 15.10.2020

CORAM

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.579 of 2020

and

Crl.M.P.(MD)No.5207 of 2020

T.V.Sundaravadhanam

.. Petitioner

Vs.

State represented by the Inspector of Police,
District Crime Branch,
Thanjavur.
(Crime No.29 of 2015)

.. Respondent

Prayer : This criminal revision case filed under Sections 397 & 401 of Cr.P.C., to call for the records and set aside the order passed in Cr.M.P.No.857 of 2020 in C.C.No.14 of 2020 dated 01.10.2020 on the file of the Judicial Magistrate Court, Thiruvaiyaru and consequently direct the Judicial Magistrate, Thiruvaiyaru to recall warrant pending against the petitioner.

For Petitioner	: Mr.Veerakathiravan, Senior Counsel For Mr.P.Vadivel
For Respondent	: Mr.S.Chandrasekar Additional Public Prosecutor

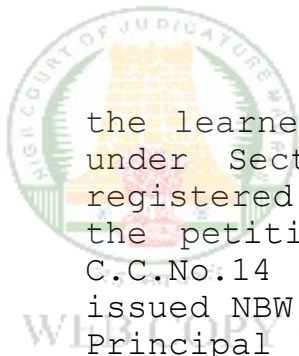
ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.857 of 2020 dated 01.10.2020, on the file of the learned Judicial Magistrate, Thiruvaiyaru.

2.The case of the petitioner is that the petitioner has filed a petition in Cr.M.P.No.857 of 2020 before the Judicial Magistrate, Thiruvaiyaru, to recall the warrant issued against him and he may be permitted to participate in further proceedings. The learned Magistrate dismissed the petition on 01.10.2020. Aggrieved by which, the petitioner has preferred the Criminal Revision Case.

3.On the side of the petitioner, it is stated that the petitioner is A1 in the case. A private complaint was filed before

<https://hcservices.ecourts.gov.in/hcservices/>



the learned Judicial Magistrate, which was forwarded to the Police under Section 156 of Cr.P.C. FIR in Crime No.29 of 2015 was registered on 03.10.2015 and abscond chargesheet was filed against the petitioner and the same was taken on file on 03.08.2020 as C.C.No.14 of 2020. On the representation of the Police, the Court issued NBW against A1 to A11 on 03.08.2020. A3 to A11 approached the Principal District and Sessions Court, Thanjavur in Crl.M.P.No.4050 of 2020 and they obtained the bail. The petitioner filed this petition to recall the warrant through his counsel and the same was dismissed by the trial Court. It is further stated that the petitioner is bed ridden and is undergoing treatment. The petitioner is aged about 78 years and is in death bed.

4.On the side of the respondent, it is stated that the case is pending for furnishing copies under Section 207 of Cr.P.C. The petitioner is the prime accused. The presence of the petitioner is necessary before the trial Court and prayed the petition to be dismissed.

5.On the side of the petitioner, it is stated that the complainant filed a civil suit. After the disposal of the civil suit, the petitioner preferred the complaint after five years. No summon was served to the petitioner. Only abscond chargesheet was filed. The petitioner being an aged person is not a position to move and to appear before the Court for receiving the copies and prayed the revision petition to be allowed.

6.A perusal of the medical records reveals that the age of the petitioner is 78 years. The petitioner is past history of strokes and having cardiac problems. He is undergoing treatment from the year 2006 and it is seen that the petitioner is a Chronic patient. In the extraordinary circumstances, on humanitarian ground, this Criminal Revision Case is allowed and the order passed in Cr.M.P.No.857 of 2020 dated 01.10.2020 on the file of the learned Judicial Magistrate, Thiruvaiyaru is set aside and the trial Court is directed to allow the petitioner to represent through Counsel under Section 205 of Cr.P.C., even for receiving copies under Section 207 of Cr.P.C. Consequently, connected miscellaneous petition is closed.

Sd/-

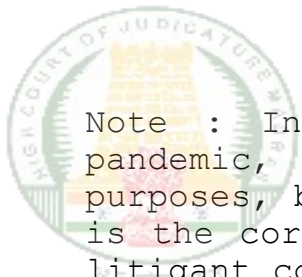
Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn



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.

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To

- 1.The Judicial Magistrate,
Thiruvaiyaru.
2. The Inspector of Police,
District Crime Branch,
Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.579 of 2020

VR (CO)
CS (28.10.2020) 3P 4C