



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.11487 of 2020

P.Srinivasalu Reddy

... Petitioner / Accused No.4

Vs

The Assistant Commissioner of Central Excise,
Central Excise I Division,
No.1, Williams Road, Cantonment,
Trichy-620 001.

... Respondent/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the Chief Judicial Magistrate Court, Tiruchirappalli to consider the warrant recall petition in connection with C.C.No.5 of 2009 on the very same day.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent : Mr.Arul Vadivel @ Sekar
Special Public Prosecutor

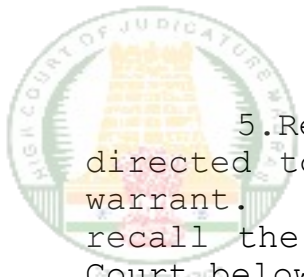
ORDER

Heard the learned counsel on either side.

2.The petitioner is figuring as accused in C.C.No.5 of 2009 on the file of the Chief Judicial Magistrate, Tiruchirappalli. Non bailable warrant was issued against the petitioner and it has been pending for more than a year. As a result of the petitioner's abscondance, the trial could not progress.

3.The petitioner's counsel states that the petitioner will appear before the Court below on 06.11.2020 and apply for recall of warrant.

4.The petitioner will ensure that in all the future hearings, either he will appear in person or if he is unable to appear, his counsel will represent him and file an application under Section 317 of Cr.P.C. He would also ensure his physical presence, on those occasions, when it is necessary and imperative.



5. Recording the petitioner's undertaking, the petitioner is directed to appear before the Court below and apply for recall of warrant. On such application being filed, the Court below shall recall the same on the same day of surrender. It is open to the Court below to put the petitioner on terms.

WEB COPY

6. Subject to this, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Chief Judicial Magistrate , Tiruchirappalli.

2. The Assistant Commissioner of Central Excise,
Central Excise I Division,
No.1, Williams Road, Cantonment,
Trichy-620 001.

Copy To:- The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SRK(CO)
AP(03/11/2020) 2P 4C