



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P. (MD)No.12707 of 2020

S.Prakash

... Petitioner/Accused No.2

Vs.

State rep. by
The Inspector of Police
Orathanadu Police Station,
Thanjavur District.
Crime No.142 of 2017

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Mahila Court, Thanjavur to consider the warrant recall petition in connection with a case in S.C.No.216 of 2017 on the file of the Mahila Court, Thanjavur on the very same day.

For Petitioners

: Mr.P.L.S.Solai Alagan

For Respondent

: Mr.V.Neelakandan

Additional Public Prosecutor

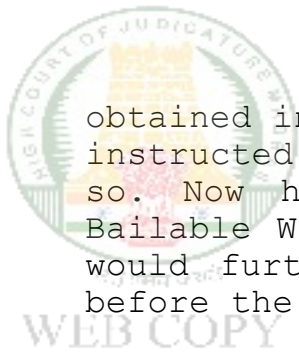
O R D E R

This Criminal Original Petition has been filed to direct the learned Mahila Court, Thanjavur to consider the warrant recall petition in connection with a case in S.C.No.216 of 2017 on the file of the Mahila Court, Thanjavur on the very same day.

2.The allegation against the petitioner / A-2 is that he said to have conspired with A-1 and killed A-1's father on 21.03.2017. Hence a case in Crime No.142 of 2017 for the offence under Sections 302, @ 120(b) read with 302 r/w.109, 449, 302 of IPC, has been registered on the file of the Inspector of Police, Orathanadu Police Station, Thanjavur District.

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

4.The learned counsel for the petitioner would submit that the petitioner and the first accused are close friends and the petitioner has been wrongly included in this case. The petitioner was earlier arrested and released on bail. In the mean while, A1 had preferred transfer petition in Crl.OP.No.2355 of 2018 and



obtained interim stay of the proceedings. Therefore, the petitioner instructed his counsel to file 317 application but he failed to do so. Now he came to understand that before 1- 1/2 years. Non Bailable Warrant has been issued. Hence the present petition. He would further state that the petitioner is prepared to surrender before the Trial Court and he would cooperate for Trial.

5.Considering the submission made by the learned counsel for the petitioner, the petitioner is directed to surrender before the learned Sessions Judge, Mahila Court, Thanjavur, on the next hearing date. On such surrender, the learned Sessions Judge, Mahila Court, Thanjavur, shall consider the petitioner's application for recalling the Non-Bailable Warrant on the same day of his surrender and pass orders in accordance with law.

6. This Criminal Original Petition is allowed on these terms.

Sd/-

Assistant Registrar (CS-I)

// 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 Sessions Judge,
Mahila Court, Thanjavur.
2. The Inspector of Police
Orathanadu Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.[MD]No.12707 of 2020
09.11.2020

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