



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2020**

CORAM:

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

Crl.O.P.(MD)No.12539 of 2020

V.Ravi : Petitioner/Sole Accused

Vs.

State rep. by
The Inspector of Police
Theni Police Station,
Theni District.
Crime No.765 of 2009

: Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate, Theni, to consider the warrant recall application of the petitioner on the same day on his surrender in C.C.No.18 of 2010 on the file of the Judicial Magistrate Court, Theni.

For Petitioner	: Mr.C.Susi Kumar
For Respondent	: Mr.V.Neelakandan
	Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Theni, to consider the warrant recall application of the petitioner on the same day on his surrender in C.C.No.18 of 2010 on the file of the Judicial Magistrate, Theni.

2.The allegation against the petitioner is that on 20.08.2009 at about 3.45 p.m. he had driven a Mini Lorry from Theni to Madurai main road in a rash and negligent manner and dashed against four persons and due to that accident one person died and three persons were sustained simple injuries. The respondent police has registered a case in Crime No.765 of 2009, for the offences under Sections 279, 337 and 304(A) of IPC and Section 3 r/w 181 of Motor Vehicle Act.

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 Trial proceeding was started in the year 2012. The petitioner appeared before the concerned Court and he contested the case. Except some hearing the petitioner regularly appeared before the concerned Court. All the witnesses were examined. The petitioner has filed a petition under Section 311 of Cr.P.C. and the same is pending for filing counter. Due to illness the petitioner could not able to appear before the Court on 28.08.2019. Hence, 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. The learned Additional Public Prosecutor appearing for the respondent would submit that the Non Bailable Warrant was issued on 28.08.2019 and the next hearing date is 26.11.2020.

6.Considering the submission made by the learned counsel for the petitioner, the petitioner is directed to surrender before the learned Judicial Magistrate, Theni, on the next hearing date (i.e., on 26.11.2020). On such surrender, the learned Judicial Magistrate, Theni, 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.

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

Sd/-

Assistant Registrar (RTI)

// 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 Judicial Magistrate,
Theni.

2.The Chief Judicial Magistrate,
Theni.



3.The Inspector of Police
Theni Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.[MD]No.12539 of 2020

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