



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2020

CORAM:

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THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P (MD) No.18443 of 2019

S.Muruganantham ... Petitioner/Respondent/Sole Accused

Vs.

1.State through,
The Inspector of Police,
Thiruvadanai Police Station,
Ramanthapuram District. ... 1st Respondent

2.K.Selvam ...2nd Respondent/Petitioner/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate, Fast Track Court, (Magistrate Level), Uthamapalayam to set aside the proclamation steps on 04.08.2017 and consider the warrant re-call petition of the petitioner on his surrender before the same Court on merits on the same day in connection with the S.T.C.No.23 of 2016, on the file of the second respondent.

For Petitioner : Mr.K.Ramanathan

For 1stRespondent : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Fast Track Court, (Magistrate Level), Uthamapalayam to set aside the proclamation steps on 04.08.2017 and consider the warrant re-call petition of the petitioner on his surrender before the same Court on merits on the same day in connection with the S.T.C.No.23 of 2016, on the file of the second respondent.

2.The learned counsel appearing for the petitioner would submit that due to the illness of the petitioner, he was unable to appear before the trial Court and the trial Court has taken steps to issue proclamation on 04.08.2017.



3.Per Contra, the learned Additional public Prosecutor would submit that only Non Bailable Warrant has been issued against the petitioner.

4.At this Juncture, the learned counsel appearing for the petitioner would pray that the petitioner is ready to surrender before the trial Court and in the alternative would seek that a direction may be issued to the trial Court to recall the warrant of the petitioner on his surrender before the same Court.

5.Recording the submission made by the learned counsel appearing for the petitioner, the trial Court is directed to recall the warrant subject to the following conditions:

(i)the petitioner shall file an affidavit of undertaking that he will be duly represented by a counsel on all hearing dates and he will appear before the trial Court on all hearing dates without fail.

(ii) the petitioner shall cooperate with the progress of the trial and cross examine the prosecution witnesses on the same day of their examination in chief.

6.Further, the trial Court is directed to complete the trial within a period of four months from the date of surrender of the petitioner.

7.With the above direction and observation, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To

1.The Judicial Magistrate,
Fast Track Court, (Magistrate Level),
Uthamapalayam.

2.The Inspector of Police,
Thiruvadanai Police Station,
Ramanthapuram District.



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

+1 CC to M/s.K.RAMANATHAN, Advocate (SR-501[F] dated 07/01/2020)

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