



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 21.01.2021

CORAM

THE HONOURABLE MRS.JUSTICE R.THARANI

Crl. R.C.(MD)No.16 of 2021

C.Sivakumar

.. Petitioner/Accused No.3

Vs.

State Rep. by
The Inspector of Police,
Economic Offence Wing-II,
Karur District.
In Crime No.4 of 2008

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records relating to the order passed by the learned Special Judge for TNPID Act Cases, Madurai in Crl.M.P.No.2078 of 2020 in C.C.No.12 of 2010, dated 17.12.2020 set aside the same.

For Petitioner : Mr.M.Subash Babu, Advocate

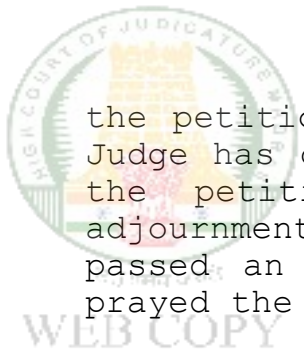
For Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned Special Judge for TNPID Act Cases, Madurai in Crl.M.P.No.2078 of 2020 in C.C.No.12 of 2010, dated 17.12.2020.

2.On the side of the petitioner, it is stated that the petitioner is the 3rd accused. The co-accused had already partly settled the amount due. For the past ten years, the petitioner appeared before the Court regularly. But the charge was not framed by the trial Court and since the petitioner could not make his appearance on the date of framing charges, Non-Bailable Warrant was issued against him and the trial Court dismissed the recall petition and prayed the impugned order to be set aside. It is further stated that the petitioner is ready to appear before the trial Court regularly on all future hearing dates without fail.

3.On the side of the respondent, it is stated that the occurrence is of the year 2010 and the case was taken on file as C.C.No.12 of 2010. When the case was posted for framing charges,



the petitioner has not appeared before the trial Court. The trial Judge has clearly observed that sufficient opportunity was given to the petitioner for his appearance. Only after giving six adjournments for the appearance of the petitioner, the trial Court passed an order and issued Non-Bailable Warrant against him and prayed the petition to be dismissed.

4.It is seen from the records that already in the year 2013, the petitioner failed to appear before the trial Court and a Non-Bailable Warrant was issued against him on 05.12.2020. The Non-Bailable Warrant was then recalled, thereafter, the petitioner filed petitions under Section 317 of Cr.P.C., through the petitioner's counsel on all hearing dates. In the year 2016, this Court has directed the trial Court to dispose of the case within a period of six months. On 06.10.2020, the case was posted for framing charges, the petitioner failed to appear on that day, the matter was adjourned by the trial Court. Even after six adjournments, the petitioner failed to appear and a Non-Bailable Warrant was issued against him. The petitioner filed a recall petition without appearing before the Court and the same was dismissed by the Trial Court.

5.It is seen that the petitioner approached this Court for quashing the proceedings and the quash petition was dismissed by this Court with a direction to dispose of the case within a time frame. So, keeping the case pending further is of no use either to the prosecution or to the accused. An opportunity for the petitioner to make his presence in the trial is to be given in the interest of justice. Hence, the petitioner is directed to surrender himself before the trial Court and to file a recall petition before the trial Court. Further, the petitioner directed to appear before the trial Court regularly on all hearing dates. On such surrender, the trial Court is directed to consider the same.

6.With the above observations, the Criminal Revision Case is allowed.

Sd/-

Assistant Registrar

/TRUE COPY/

/ /2021

Sub Assistant Registrar

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 Special Judge for TNPID Act Cases, Madurai.

2.The Inspector of Police,
Economic Offence Wing-II,
Karur District.

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

+1. C.C. to M/S.M.Subash Babu, Advocate SR.No. 1931

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21.01.2021

sj
JM/11.02.2021/3P/5C