



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGOVAN, J.**

Crl.O.P.(MD)No. 6039 of 2021

Sethumanimathavan

... Petitioner

Vs.

Valarmathi

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., directing the learned District Sessions Court, Thanjavur to recall the non-bailable warrant issued against the petitioner in HRC No.2 of 2017, dated 03.08.2017 without petitioner's physical appearance.

For Petitioner : Mr.R.Pon Karthikeyan

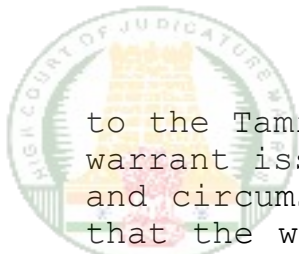
ORDER

This petition has been filed to direct the learned District Sessions Judge, Thanjavur to recall the non-bailable warrant issued against the petitioner in HRC No.2 of 2017, dated 03.08.2017 without insisting the physical appearance of the petitioner.

2.The case of the petitioner is that based on the complaint given by the respondent herein, a case in CC No.266 of 2002 was registered before the Judicial Magistrate Court No.I, Thanjavur and subsequently transferred to the Principal Sessions Court, Thanjavur and taken on file as HRC No.2 of 2017. He was arrayed as A2 in that case. It is submitted that presently he is working as Inspector of Police, Jaihindpuram Police Station. According to the petitioner, when he was working as the Inspector of Police, Theppakkulam Police Station, Madurai during 2016-2017, he was convicted by the learned Mahila Judge, Thanjavur in S.C No.373 of 2011 and sentenced to undergo 10 years imprisonment. Aggrieved by the same, he preferred an appeal in Crl.A(MD) No.101 of 2017 and the same was allowed on 27.11.2021. When he was confined in Central Prison, Trichy, his presence was required for giving evidence as Investigating Officer, before the learned Chief Judicial Magistrate, Madurai in S.C.No.555 of 2016, for which, on 03.08.2017, he was produced before the Chief Judicial Magistrate Court, Madurai. On the same day, HRC No.2 of 2017 also posted for trial before the Principal Sessions Court, Thanjavur. Since, the petitioner was produced before the Chief Judicial Magistrate Court, Madurai, he could not appear before the Principal Sessions court, Thanjavur, wherein HRC No.2 of 2017 is pending. Therefore, the learned District and Sessions Judge, Thanjavur issued warrant against the petitioner. He is not aware of the same. Hence, the petitioner is before this Court with the present Criminal Original Petition, seeking a direction to the learned Sessions Judge, Thanjavur to recall the non-bailable warrant issued against him.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The petitioner, being the Inspector of Police attached



to the Tamil Nadu Police Department is duty bound to comply with the warrant issued by the concerned Court. Considering the overall facts and circumstances of the case, a direction is issued to the Officer that the warrant which has been issued against the petitioner shall stand recalled on his appearance, within 15 days, after resumption of normal work in the Subordinate Courts. Liberty is granted to the petitioner to file appropriate petition to dispense with his personal appearance before the Court thereafter.

4.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 Principal District Sessions Court, Thanjavur

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

Crl.O.P. (MD)No.6039 of 2021
18.06.2021

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KK(12.07.2021) 2P 3C