



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.11599 of 2021

Athmanathan

... Petitioner

Vs.

The Inspector of Police,
Karaikudi South Police Station,
Sivagangai.

In Crime No.487 of 2012

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Additional District Judge, Sivagangai to accept the petitioner's surrender and warrant recall petition filed under Section 70 (2) of Cr.P.C., and consider the same on the same day on merits in S.C.No.108 of 2013 on the file of the learned Additional District Judge, Sivagangai.

For Petitioner : Mr.S.M.A.Jinnah

For Respondent : Mr.R.M.Anbunithi

Additional Public Prosecutor
(Crl.Side)

ORDER

This petition is filed seeking a direction to the learned Additional District Judge, Sivagangai to accept the petitioner's surrender and consider the warrant recall petition on the same day on merits in S.C.No.108 of 2013 on the file of the learned Additional District Judge, Sivagangai.

2.The petitioner is an accused in S.C.No.108 of 2013 on the file of the learned Additional District Judge, Sivagangai. He is working in abroad as Driver and for that purpose, he went to abroad in 2016. Because of his absence to appear before the trial Court, Non Bailable Warrant has been issued by the trial Court. The petitioner returned from abroad and was admitted in the Government Hospital on 30.07.2021 due to cardiac issues. Now, he is undergoing treatment for the heart disease.

3.The learned Additional Public Prosecutor (Crl.Side) appearing for the respondent submitted that the case is of the year 2013 and the petitioner after obtaining bail went to abroad without seeking permission from the authority concerned and the Non Bailable Warrant has also been issued on 25.06.2019 and the case is pending for want of accused.



4.In the facts and circumstances of the case, the request made by the petitioner cannot be entertained by this Court. The petitioner has to surrender before the concerned Court and workout his remedy by filing proper petition. So, a direction to the concerned Judge to accept the petitioner's surrender and consider the warrant recall petition on the same day on merits will not be appropriate in this matter, since the petitioner went to abroad without seeking permission from the authorities concerned. So, no consideration is required in this petition. The petitioner is directed to surrender before the concerned Court and seek appropriate relief.

5.With the above direction, this petition is dismissed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

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 Inspector of Police,
Karaikudi South Police Station,
Sivagangai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Additional District Judge,
Sivagangai District.

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