



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.09.2021

CORAM

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

Crl.O.P(MD)No.13934 of 2021

S.Arunachalam
S/o.Shanmugavel

... Petitioner/Sole Accused

Vs.

The Inspector of Police,
Kollankodu Police Station,
Kanyakumari District.
(Cr.No.43/2012)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.2, Kuzhithurai to accept the surrender of the petitioner and consider his recall petition u/s.70(2) of Cr.P.C on the same day in P.R.C.No.29 of 2016 pending on the file of the learned Judicial Magistrate No.2, Kuzhithurai.

For Petitioner
For Respondent

: Mr.K.Suyambulinga Bharathi
: Mr.K.Sanjai Gandhi
Government Advocate

ORDER

This petition has been filed seeking direction to the learned Judicial Magistrate No.2, Kuzhithurai to accept the surrender of the petitioner and consider his recall petition u/s.70(2) of Cr.P.C on the same day in P.R.C.No.29 of 2016 pending on the file of the learned Judicial Magistrate No.2, Kuzhithurai.

2.The petitioner is the sole accused in Crime No.43 of 2012 for the offence punishable under Sections 332, 353, 506(ii) of IPC and Section 3 (I) (x) of SC and ST (Prevention Atrocities) Act, 1989. After completion of the investigation, the respondent police has filed a final report before the concerned Court. The learned Judicial Magistrate No.2, Kuzhithurai, has taken the case on file in P.R.C.No.29 of 2016 and the same is pending. The above said case has been posted for appearance of the accused and he did not appear before the learned Judicial Magistrate. Hence, the learned Judicial Magistrate No.2, Kuzhithurai issued Non Bailable Warrant against the accused.

3.From the records it is seen that more than 5 years the case is pending without any progress, It is pertinent to note that the petitioner without approaching the committal Court has directly approached this Court with the above petition.



4. In view of the above, this Criminal Original Petition is dismissed with a direction to the petitioner to appear before the learned Judicial Magistrate No.2, Kuzhithurai and file a proper petition, to recall the NBW.

WEB COPY

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:(i) 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 No.2
Kuzhithurai.
- 2.The Inspector of Police,
Kollankodu Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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