



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

CrI.O.P. (MD) No.14710 of 2021

and

CrI.M.P. (MD) Nos.7770 and 7772 of 2021

WEB COPY

Krishnaveni

... Petitioner / Petitioner /
Accused No.3

Vs.

The State through
The Inspector of Police,
Economic Offences Wing Police Station,
Virudhunagar District.
In Crime No. 509/2014

... Respondent / Respondent /
Petitioner

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set-aside the order passed in CrI.M.P.No.1800/2021 in C.C.No.9 of 2018 dated 15.09.2021 and direct the Spl.Judge for TNPID Act Court, Madurai to recall the Non Bailable warrant issued as against the Petitioner by the Trial Court/Special Court under TNPID Act, Madurai.

For Petitioner : Mr.S.J.Chakkaravarthy
For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition has been filed seeking to set aside the order passed in CrI.M.P.No.1800 of 2021 in C.C.No.9 of 2018 dated 15.09.2021 and direct the Special Judge for TNPID Act Court, Madurai, to recall the Non Bailable warrant issued as against the Petitioner by the Trial Court/Special Court under TNPID Act, Madurai.

2.The petitioner is facing charges under Sections 406,420, 120B I.P.C. r/w. Sections 4 and 5 (a) of Prize Chit and Money Circulation Schemes (Banning Act, 1978) and Section 5 of TNPID Act, 1997 and he is arrayed as third accused before the trial Court. He was absent on 15.09.2021 before the trial Court and on his behalf, his Advocate filed a petition under Section 317 Cr.P.C, to condone the absence, the trial Court found that the

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directed to appear, but, he failed to appear. So, observing this, the petition filed by the petitioner came to be dismissed. It is a specific direction and a specific date has given by the Court for appearance, but, he failed to comply with the direction and filed a petition under Section 317 Cr.P.C., due to the non-compliance of the specific direction, it came to be dismissed.

3. But, however, the learned counsel for the petitioner stated that on the previous 'B' Diary, extract, due to the lock down period, the accused persons, remained absent and it was continuously kept adjourned. By the order, dated 07.09.2021, this petitioner was directed to appear before the Court on 15.09.2021 but, he did not appear. So, the direction will not lie, he has to appear before the trial Court and seek re-call the warrant. Instead of doing that, he approached this Court and seeking to re-call NBW and such prayer may not be proper. He has to express and convince the trial Judge, about the reasons of absence on the particular date. So, accordingly, it is directed that the petitioner shall appear before the trial Court and file a proper application seeking re-call by producing all the medical records available with her. I find no merit in this petition.

4. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

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 Offences Wing Police Station,
Virudhunagar District.

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



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

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+1 CC to M/s.S.J.CHAKKKARAVARTHY, Advocate (SR-30738[F] dated
30/09/2021)

Crl.O.P. (MD)No.14710 of 2021
30.09.2021

NSN (CO)
SB (01.11.2021) 3P 5C