



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.14877 of 2021

P.Jega @ Jegatheesh

... Petitioner/Accused No.1

Vs.

1.The State through,
The Inspector of Police,
P.E.W Police Station,
Melur, Madurai District.
(Crime No.7 of 2014)

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Sub-Judge, Melur, Madurai District to consider the petitioner's warrant recall application non bailable warrant dated 03.02.2021, on the same day he surrender in S.C.No.375 of 2015 in Crime No.7 of 2014 on the file of the respondent police.

For Petitioner : Mr.P.Banu Prasath

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

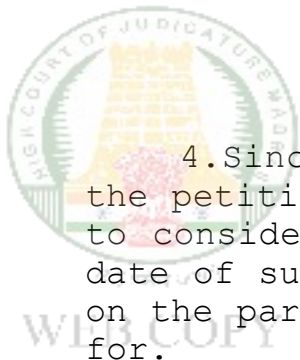
ORDER

This petition has been filed seeking direction to the learned Sub-Judge, Melur, Madurai District, to consider the petitioner's recall application to recall the non bailable warrant, dated 03.02.2021, on the same day he surrender in S.C.No.375 of 2015 in Crime No.7 of 2014 on the file of the respondent police.

2.The learned counsel for the petitioner submitted that he facing trial in S.C.No.375 of 2015 before the Sub Judge, Melur. Though he regularly appeared before the Court, during the pandemic situation and due to the lock down between the States, he was unable to come from Bangalore. Hence, the learned Sub Judge, issued non bailable warrant on 03.02.2021 against the petitioner.

3.The learned Additional Public Prosecutor submits that because of the non appearance of the petitioner, warrant has been issued and the next date of hearing is 04.10.2021.

<https://hcmiscourts.gov.in/htscases>



4.Since warrant has been by the trial Court, it is the duty of the petitioner to appear before the trial Court. Giving direction to consider the recall application filed by the petitioner on the date of surrender of the petitioner may not proper and appropriate on the part of this Court. Such a sort of intervention is uncalled for.

5.Therefore, the criminal original petition is dismissed with a direction to the petitioner to appear before the concerned Court with proper petition and get the warrant recalled.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Subordinate Judge,
Melur.
- 2.The Inspector of Police,
P.E.W Police Station,
Melur, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-30846[F] dated
01/10/2021)

Crl.O.P.(MD)No.14877 of 2021
01.10.2021

RK/JGB (02/11/2021) 2P 5C