



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.10.2021**

CORAM:

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

Crl.O.P. (MD) No.15123 of 2021

1.Jeyaraman

2.Kumar

... Petitioners/Accused No.1&3

Vs.

The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 1st Additional District and Sessions Judge (PCR), Thanjavur to consider the warrant recall petition filed by the petitioners in Spl.S.C.No.147 of 2017, on the same day of their surrender.

For Petitioners	: Mr.A.Arunprasad
For Respondent	: Mr.RMS.Sethuraman
	Additional Public Prosecutor

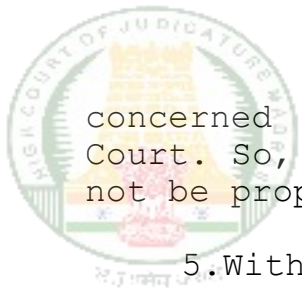
ORDER

This petition is filed seeking direction to the learned 1st Additional District and Sessions Judge (PCR), Thanjavur to consider the warrant recall petition that has been filed by the petitioners in Spl.S.C.No.147 of 2017 on the same day of their surrender.

2.The petitioners, who are facing charges under Sections 294 (b), 352, 506 (i) and 35 of IPC r/w 3 (1) (s), 3 (2) (v) of SC/ST (POA) Act, 2015, are the accused Nos.1 and 3 before the trial Court in Spl.S.C.No.147 of 2017.

3.The case of the petitioners is that after receiving the summon in the aforesaid proceedings, they were regularly appearing and due to the non-appearance of A2 on 11.03.2020, the case has been split up against them and the evidence was also recorded. After that they were regularly appearing. Thereafter, due to the non-appearance of them, on 23.11.2020, Non Bailable Warrant has been issued against them. Hence, this petition.

4.When warrant has been issued by the concerned Court, it may not be proper on the part of this Court to give such direction to the trial Court. The petitioners have to appear before the trial Court and file a proper petition to recall the warrant, setting out the facts and circumstances and showing proper reasons for their non-appearance on the particular date. Without approaching the



concerned Court, the petitioners have directly approached this Court. So, exercise of jurisdiction under Section 482 of Cr.P.C. may not be proper.

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

WEB COPY

Sd/-

Assistant Registrar (CRL)

// 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 1st Additional District and Sessions Judge (PCR),
Thanjavur.
2. The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RS/UV (01.11.2021) 2P 4C