



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.16749 of 2021

Aathav Arjuna ... Petitioner / Petitioner / Accused

Vs.

The State rep. Through,
The Deputy Director,
Labour Protection and Welfare Department,
Trichy. ... Respondent / Respondent / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to set aside the order passed in Cr.M.P.No.4622 of 2021 in S.T.C.No.1606 of 2020 on the file of the Chief Judicial Magistrate, Tiruchirappalli, dated 21.09.2021.

For Petitioner : Mr.C.Vakeeswaran

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

O R D E R

Heard the learned counsel on either side.

2. The petitioner is figuring as accused in S.T.C.No.1606 of 2020 on the file of the Chief Judicial Magistrate, Tiruchirappalli.

3. The petitioner is being prosecuted for the offences under Sections 32, 41, R 61G and 61F, S.41, R 61E, S.38(1), R 61(9)(p), S.33, S.21(1)(v)(b) and S.92 of Factory Act. Due to the pandemic, on 01.04.2021 the petitioner did not appear. His counsel also did not turn up. Therefore, Non-bailable warrant was issued against the petitioner. To recall the same, the petitioner filed Cr.M.P.No.4622 of 2021. The said recall petition was dismissed by the Court below on 21.09.2021 on the ground that the petitioner was not present. It is well settled that for recall of warrant, the presence of the accused is not mandatory. Thanks to Covid pandemic, the Courts are conducting the proceedings through video conferencing. Therefore, the personal and physical appearance of the parties before the Court need not be insisted upon any longer. Be that as it may, the petitioner through his counsel gives an undertaking that he would appear before the Court at the time of pleading guilty and pronouncing judgment. The said undertaking is recorded.



4. The petitioner is permitted to file a fresh petition for recall of warrant under Section 70(2) of Cr.P.C. before the Court below. The learned Chief Judicial Magistrate shall not insist on the personal appearance of the petitioner. Since the petitioner undertakes to appear before the Court below within four weeks, the Court below shall allow the said petition and recall the warrant. Till then Non-Bailable Warrant issued against the petitioner shall be kept in abeyance.

5. This criminal original petition is allowed on these terms.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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 Chief Judicial Magistrate,
Tiruchirappalli.
2. The Deputy Director,
Labour Protection and Welfare Department,
Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C. VAKEESWARAN, Advocate SR-34833[F] dated 17/11/2021

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