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CRL.O.P.(MD)NO.19837 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) No.19837 of 2021

Pechimuthu @ Payasam

... Petitioner / Accused No.2

Vs.

The State rep. By its,
The Inspector of Police,
Ambasamuthiram police station,
Tirunelveli District.
(Crime No.92 of 2013)

... Respondent / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to accept the surrender and recall the non bailable warrant dated 19.12.2018 on the file of the IV Additional Sessions Judge, Tirunelveli in S.C.No.778 of 2017 against the petitioner on the same day.

For Petitioner : Mr.J.Vijayaraja
For Respondent : Mr.M.Veeranthiran,
Government Advocate(Crl.Side)

O R D E R

Heard the learned counsel on either side.

2. The petitioner herein is facing trial in S.C.No.778 of 2017 on the file of the IV Additional Sessions Judge, Tirunelveli. He is figuring as second accused. Non Bailable Warrant was issued against the petitioner on 19.12.2018. The petitioner wants to surrender and to recall on the same day. But the conduct of the petitioner cannot be excused. On account of his absence, the trial had been dragging on. At the same time, I cannot lose sight of the fact that the petitioner was arrested and remanded to custody in some other cases. He had been in prison for quite a few months. I also take judicial notice of the fact that from March 2020, the entire country was under lock down. Therefore, the next hearing date is 05.01.2022.

3. The petitioner gives an undertaking that in future he will be present physically on all the hearing dates. If under the

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unavoidable circumstances, he is unable to be physically present, he will be represented through counsel. In other words, on account of the petitioner's conduct, the trial will not get dragged on or delayed. If this undertaking given by the petitioner through his counsel is breached, the order now passed by this Court would get recalled automatically. The petitioner is directed to surrender before the Court below on 22.12.2021 and apply for recall of warrant. Non Bailable Warrant will be recalled with effect from 04.01.2022. The petitioner has to spend the intervening period in custody alone. The Court below can also impose appropriate conditions to enable the petitioner's presence and co-operation for the trial also.

4. With these directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

21/12/2021

Sub Assistant Registrar (CS II)

PMU

Note: 1. 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 IV Additional Sessions Judge, Tirunelveli.
2. The Inspector of Police,
Ambasamuthiram police station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

1CC TO MR. J.VIJAYARAJA, ADVOCATE SR 39629

USK

21/12/2021 - 2P/5C

Cr1.O.P. (MD) No.19837 of 2021

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