



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20231 of 2021

WEB COPY

Murugan

... Petitioner / Accused No.1

Vs

The State through,
the Inspector of Police,
Avaniyapuram Police Station,
Madurai District.

(Crime No.213 of 2003)

... Respondent / Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the Vth Additional Session Judge, Madurai to consider the petitioner's warrant recall application for non bailable warrant dated 20.02.2020 on the same day of surrender in S.C.No.495 of 2016 in Crime No.213 of 2003 on the file of the Vth Additional Session Judge, Madurai.

For Petitioner : Mr.P.Banuprasath

For Respondent : Mr.Sakthi Kumar

Government Advocate (Crl.side)

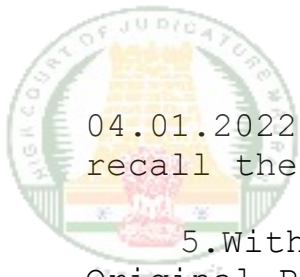
ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent.

2. The petitioner is facing trial as A1 in S.C.No.495 of 2016 on the file of the fifth Additional Sessions Judge, Madurai. There are totally seven accused in this case. Non bailable warrant has been pending against the petitioner since 20.02.2020. The conduct of the petitioner cannot be condoned. At the same time, the two aspects will have to be borne in mind. From March 2020, the nature came under the grip of Covid-19 pandemic. The Courts were not functioning regularly. Secondly, the case is only for the offence under Section 399 of IPC.

3. The petitioner through his counsel gives an undertaking that from the next hearing date, he will regularly appear either in person or through his counsel and that on his account, under no circumstances, the trial will be deferred.

4. If this undertaking is breached, the benefit of this order will stand recalled. The petitioner undertakes to surrender on



04.01.2022 and apply for recall of warrant. The court below will recall the warrant on 06.01.2022.

5. With this direction to the court below, this Criminal Original Petition is disposed of.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

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 Vth Additional Session Judge, Madurai.

2. The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.

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

+1 CC to M/s.P.BANUPRASATH, Advocate (SR-39603[F] dated
20/12/2021)

CrI.O.P (MD)No.20231 of 2021
20.12.2021

RK(31/12/2021) 2P 5C