



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.20400 of 2021

Rajasekar

... Petitioner

Vs.

The State of Tamilnadu
Rep. by its Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
(Crime No.352 of 2012)

... Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned Sessions Judge, Mahila Court, Srivilliputhur to consider the petitioner's warrant recall application on the same day of filing in S.C.No.13 of 2014.

For Petitioner	:	Mr.M.Kannan
For Respondent	:	Mr.M.Sakthi Kumar, Govt. Advocate (CrI. Side).

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) for the respondent.

2.The petitioner is facing trial in S.C.No.13 of 2014 on the file of the Sessions Court, Mahila Court, Srivilliputhur, for the offences under Sections 306 and 498(A) of IPC. He was absent on 06.03.2021. That led to issuance of non bailable warrant. The next hearing date is on 29.12.2021. The petitioner has given certain reasons for his absence and his subsequent non-attendance before the Court below.

3.The petitioner gives an undertaking that he will dutiful appear in all future hearings either in person or through counsel. In other words, on account of his conduct, the trial will not be delayed or dragged on. If this undertaking is breached, it is open to the Court below to take appropriate actions.

4.Recording the undertaking given by the petitioner through his counsel before this Court, the following directions are issued:-

<https://hcservices.ecourts.gov.in/hcservices/>



(i) The petitioner shall appear before the Court below on the next hearing date ie., 29.12.2021 and apply for recall of the warrant.

(ii) The Court below shall recall the warrant at the end of the day. In other words, the petitioner shall not be remanded to custody. It is open to the Court below to stipulate appropriate conditions to ensure the cooperation of the petitioner for conduct of the trial in future.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

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 Sessions Judge,
Mahila Court,
Srivilliputhur.

2.The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.

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

+1 CC to M/s.M.KANNAN, Advocate (SR-39759[F] dated 21/12/2021)

Crl.O.P(MD)No.20400 of 2021

21.12.2021

MGJ(22.12.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>