



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.3500 of 2022

1. Venkatesan
S/o.Chakarabani.

2. Murali@Muralidharan
S/o.lakshmanan.

3. Ravi
S/o.Muniyandi.

...petitioners

Vs.

The State Rep By
The Inspector of Police
Tiruporur Police Station
Thiruporur, Chengalpattu.

... Respondent

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to recall the Non Bailable Warrant against the petitioners in S.C.No.254 of 2015 on 27.07.2017 pending trial before the learned Principal District Court at Chengalpattu.

For Petitioners : Mr.K.Durai Murugan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to recall the Non Bailable Warrant against the petitioners in S.C.No.254 of 2015 on 27.07.2017 on the file of the Principal District Court at Chengalpattu.

2.The learned counsel appearing for the petitioners submitted that the petitioners are facing Trial in S.C.No.254 of 2015 for the offences under Sections 341, 294(b), 506(ii) of



I.P.C r/w 3(1)(x) of SC/ST (Prevention of Atrocities) Act. The case was registered in Crime No.423 of 2014. The petitioners were earlier granted bail and thereafter, they have been regularly appearing before the trial Court. Due to some mis-communications, they were unable to appear before the trial Court. Thereby, the trial Court has issued a Non Bailable Warrant on 27.07.2017. Subsequently, on account of covid-19 pandemic situation, the petitioners were unable to surrender before the trial Court. The learned counsel further submitted that the petitioners are prepared to surrender before the concerned Court and he would seek that directions may be issued to recall the Non Bailable Warrant issued against them.

3. The learned Additional Public Prosecutor appearing for the respondent would object stating that the petitioners have been absconding for the past five years and in such circumstances, such a direction cannot be passed to the learned trial Judge.

4. Heard the learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor appearing for the respondent and perused the entire materials on record.

5. In this case, it is seen that the petitioners have been absconding for the past five years. In view of the same, a positive direction cannot be issued. However, the petitioners are directed to surrender and file an application for re-calling the Non Bailable Warrant and the trial Court shall take into consideration the merits of the case and pass orders on the petition on the same day of their surrender. Since, the case is of the year 2015, the trial Court shall endeavour to complete the trial as expeditiously as possible.

6. With the above directions, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

vkx/nst



To

1.The Principal District Judge,
Chengalpattu.

2.The Inspector of Police
Tiruporur Police Station
Thiruporur, Chengalpattu.

3.The Public Prosecutor,
Madras High Court,
Madras.

+1cc to Mr.S.Chandranathan, Advocate SR.No.10581

CRL.O.P.No.3500 of 2022

PMK (CO)
CB (12/04/2022)