



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.8379 of 2022

Dr.K.Thangavel

... Petitioner

Vs.

R.Mohan

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate - Fast Track Magistrate No.1, Erode to accept the surrender of the petitioner in STC No.286 of 2018 and consider his petition to recall the Non Bailable Warrant issued against the petitioner on 29.01.2020.

For Petitioner : Mr.S.Syed Mazhar Hayath

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the learned Judicial Magistrate - Fast Track Magistrate No.1, Erode to accept the surrender of the petitioner in STC No.286 of 2018 and consider his petition to recall the Non Bailable Warrant issued against the petitioner on 29.01.2020.

2.Learned counsel for the petitioner would submit that the petitioner is an accused facing trial in STC No.286 of 2018 for the offence under Section 138 of N.I.Act. He would submit that the petitioner is the Medical Doctor by profession and the Trial Court had posted the case for questioning under Section 313 Cr.P.C on 29.01.2020. The petitioner was unable to appear before the Court due to his ill health and the petitioner was unable to contact his counsel to file application under Section 317 of Cr.P.C. Due to the non-appearance of the petitioner on 29.01.2020, the Trial Judge had issued Non Bailable Warrant of arrest against the petitioner. He would submit that the petitioner undertakes to appear before the Trial Court on all hearing dates and he also undertakes to cooperate for the speedy trial. He would submit that the Petitioner apprehends that he



may be remanded, thereby, the present petition has been filed to direct the Trial Judge to recall the Non Bailable Warrant of arrest and to accept the surrender of the petitioner.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. It is the case of the year 2018 and the case has been posted on 29.01.2020 for questioning under Section 313 of Cr.P.C, neither the petitioner nor his counsel had appeared before the Trial Court. Thereby, the learned Trial Judge had issued Non Bailable Warrant of arrest against the petitioner. The petitioner undertakes to surrender and cooperate for the speedy disposal of the case.

5. In view of the above, direction is issued to the learned Trial Judge to consider the recall application, on the same day of surrender of the petitioner and dispose the case as expeditiously as possible preferably, within a period of eight weeks from the date of questioning, taking into consideration the merits of the case. The petitioner shall give an undertaking that he will hereinafter appear on all days and that he will not take further adjournment and that after questioning, he will examine the defense side witnesses, if any on the day fixed by the Trial Court without fail.

6. With the above observation and direction, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

shk/sai

To

The learned Judicial Magistrate - Fast Track Magistrate No.1,
Erode.

+1cc to Mr.S.Syed Mazhar Hayath, Advocate SR. No. 25590

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PL (CO)

PR (27/04/2022)