

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.862 of 2022

1.Sivakumar

2.Kannan @ Thadikannan

3.Kumar @ Meensurity Kumar

4.Ravi @ Trichy Ravi ... Petitioners

Versus

The State, represented by
Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore District.
(Crime No.603 of 2000)

... Respondents

Prayer: Criminal Revision Case is filed under Sections 397 r/w. 401 of Cr.P.C., against order in C.M.P.No.152 of 2022 in S.C.No.303 of 2014 dated 22.06.2022 on the file of Additional District and Sessions Judge, Chidambaram rejecting the petition filed under Section 70(2) Cr.P.C., and the impugned order is unjust and illegal.

For Petitioners : Mr.R.Sankarasubbu

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This revision is filed against the order of the learned Additional District and Sessions Judge, Chidambaram in C.M.P.No.152 of 2022 in S.C.No.303 of 2014 dated 22.06.2022, in and by which, the prayer of the petitioners to recall the Non-Bailable Warrant filed along with the petition under Section 317 of Cr.P.C., was dismissed by the learned Judge on the ground that without proper reasons, the petition was filed and the death of their relative was not supported with any documentary proof.

2. The learned Trial Judge has also found that the non-appearance of the petitioners were willful.

3. Even though, no exception can be taken for the findings of the learned Sessions Judge, since an undertaking before this Court that in future without fail all the four petitioners will appear on all hearings before the trial Court and co-operate with the trial, I am inclined to interfere with the order of the learned Additional District and Sessions Judge, on condition that all the four petitioners shall appear on all hearings before the trial Court henceforth and co-operate with the trial.

4. Accordingly, this Criminal Revision Case is allowed and the order passed by the learned Additional District and Sessions Judge, Chidambaram in C.M.P.No.152 of 2022 in S.C.No.303 of 2014 dated 22.06.2022 is set aside, and the C.M.P.No.152 of 2022 stands allowed on the condition stated supra.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

ssn

To

- 1.The Additional District and Sessions Judge,
Chidambaram.
- 2.The Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore District.
- 3.The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.R.Sankarasubbu, Advocate SR. No. 43862, 44140

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PPA (CO)

PR (11/07/2022)