



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25042 of 2021

S.Loganathan

...

Petitioner/Accused

Versus

State Represented by
The Inspector of Police,
DCB, Perambalur District,
(Crime No.3 of 2011)

...

Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to recall the Warrant against the petitioner in C.C.No.72 of 2019 in Crime No.3 of 2011 on the file of the Judicial Magistrate No.1, Perambalur.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

The petitioner seeks to recall the Non Bailable Warrant issued against the petitioner in C.C.No.72 of 2019 in Crime No.3 of 2011 by the Judicial Magistrate No.1, Perambalur.

2.The contention of the learned counsel for the petitioner is that this Court by its order dated 05.11.2019 in Crl.O.P.No.29427 of 2019 recalled the NBW dated 24.10.2019. Earlier to it, the petitioner obtained Anticipatory Bail in Crl.O.P.No.7575 of 2019 in crime No.48 of 2011. During the proceedings, it was informed that investigation completed and charge sheet filed in C.C.No.72 of 2019. In view of the same, this Court by order dated 22.03.2019 in Crl.O.P.No.7575 of 2019 recording that C.C.No.72 of 2019 was already taken on file directed the petitioner to surrender before the Court below and execute a bail bond for a sum of Rs.5,000/- with one surety for a likesum and granted anticipatory bail. Thereafter, the petitioner, on perusal of the ECourt record, found that in C.C.No.72 of 2019, nine hearings had taken place since 22.04.2019 and the 9th hearing was fixed on 13.11.2019, NBW was issued. Thereafter, the petitioner made an application



WEB CDS

to recall the warrant issued in crime No.48 of 2011 in C.C.No.72 of 2019 in CrI.O.P.No.29427 of 2019 and the same was recalled, but, the order obtained by the petitioner was again defeated by the lower Court by simply pulling down the Ecourt records in C.C.No.72 of 2019 by interpolating the crime No.48 of 2011 instead of crime No.3 of 2011.

3.Further, the learned counsel for the petitioner submits that an application for perjury had been filed by the petitioner under Sections 340 r/w 195 Cr.P.C. in Cr.M.P. No.4697 of 2019 and heard on 03.04.2019 and the same has been disposed of on 24.02.2020. The application for perjury in CrI.O.P.No.29427 of 2019 is still pending with the Registry. The petitioner, after filing the complaint in CrI.M.P.No.4697 of 2020 in CrI.O.P.No.17735 of 2014, finds that the Ecourt record was interpolated and the records were displaying that an NBW is pending against the petitioner. The petitioner further submits that despite this Court passing an order recalling the non bailable warrant and further, granting Anticipatory Bail to the petitioner in C.C.No.72 of 2019, records show Non Bailable Warrant is pending and hence, the above petition.

4.The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner is taking advantage of some mistake in the e-court recordings, failed to appear before the lower Court and kept pending the trial and stalled the progress of trial in C.C.No.72 of 2019 for the past two years. The petitioner, on the other hand, taking to his advantage, had filed the petition for perjury and harassing the police official and others. The petitioner is well aware about the Court proceedings as could be seen from the several petition filed by him. In one petition he filed Crime No.48 of 2017 and in which, it has been recorded, final report has been filed. Thereafter, in another, he files incorporating crime No.3 of 2011. Thus, an offence committed in the year 2011, for the past 10 years, has been dragged and kept pending. The petitioner filing this petition is yet another ploy by the petitioner to further drag on the proceedings. The learned Additional Public Prosecutor further submits that there are many witnesses. The petitioner has not appeared so far and not even received the copy of the charge sheet. Hence, the case is kept pending at this stage.

5.In view of the above submission, it is seen that the petitioner is aware about the case against him and approached this Court as early as in the year 2019 and for the past two years, he has filed one petition or other either before this Court or lower Court. Be that as it may, one thing is very certain that the petitioner is yet to receive the copies in C.C.No.72 of 2019. The offences is of the year 2011. In view of the same, the petitioner is directed to appear before the lower Court on 31.01.2022, which is the next hearing date. On that day, he shall appear and execute the necessary bond, receive the copies, thereafter, cooperate and proceed with the



trial and he will not be the reason for further delay of the case. If any dilatory tactics adopted by the petitioner, the trial court is to take coercive action following the decision of the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560] and take the petitioner to custody and complete the trial, if required. The trial to be completed within a period of six months from the date of hearing i.e. on 31.01.2022. If any Non Bailable Warrant is pending against the petitioner on that day, the same to be recalled.

6.With the above direction, the criminal original petition is disposed of.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

sms

To

- 1.The Judicial Magistrate No.1,
Perambalur.
- 2.The Chief Judicial Magistrate,
Perambalur.
- 3.The Inspector of Police,
DCB, Perambalur District,
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.T.Saravanan, Advocate, S.R.No. 2144

CRL.O.P.No.25042 of 2021

NRJK (CO)
GN(11/01/2022)