



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C(MD)No.290 of 2022

and

CrI.M.P(MD)No.3837 of 2022

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1.R.Ramesh
2.M.Ramiah
3.R.Sakunthala

... Petitioners/Accused Nos.1 to 3

Vs.

State,
Represented by,
The Inspector of Police,
All Women Police Station,
Thanjavur.
(Crime No.7 of 2005).

... Respondent/Respondent

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records and set aside the order passed by the Additional Mahila Court at Magisterial Level, Thanjavur in Cr.M.P.No.110 of 2020 in C.C.No.33 of 2020, dated 23.10.2020 and re-call the bailable warrant issued against the petitioners herein on 23.10.2020.

For Petitioners

: Mr.AR.L.Sundaresan
Senior Counsel
for Ms.Porkadi Karnan

For Respondent

: Ms.M.Aasha
Government Advocate (Criminal Side)

ORDER

This revision has been filed challenging the order passed in Cr.M.P.No.110 of 2020 in C.C.No.33 of 2020, dated 23.10.2020, by the Additional Mahila Court at Magisterial Level, Thanjavur, thereby dismissed the petition for re-calling the warrant under Section 70 (2) of Cr.P.C without appearance of the petitioners.

2.The petitioners are arraigned as A.1 to A.3 in C.C.No.33 of 2020 having been taken cognizance for the offences under Sections 498(A), 506(ii) and 406 of I.P.C r/w Sections 4 and 6 of Dowry Prohibition Act.

3.Heard the learned Senior Counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.



4.It is seen from the records that earlier the petitioners approached this Court by filing a petition in Crl.O.P(MD)No.5186 of 2013 challenging the entire proceedings in C.C.No.33 of 2020 and the same was dismissed by this Court on 15.12.2017. On 22.01.2018, the trial Court posted the matter for appearance of A.1 to A.3 and for serving of copies. Even then, the petitioners failed to appear before the trial Court and as such, bailable warrant has been issued as against them on 22.01.2018 and it is pending. In order to secure the petitioners on the bailable warrant issued by the trial Court, the first respondent has taken steps for issuance of look out circular as against the petitioners. As requested by the first respondent, the look out circular has been issued as against the petitioners and it is pending.

5.While being so, the petitioners filed a petition to re-call the bailable warrant issued against them without their appearance under Section 70(2) of Cr.P.C and the same has been dismissed for the reason that the respondent filed absconding charge-sheet as against the petitioners and even till today, they have not surrendered and furnished sureties before the trial Court. The case is pending for 14 years without any progress. The bailable warrant issued and it is pending as against the petitioners from 22.01.2018 onwards. Therefore, the reasons stated by the petitioners to re-call the warrant without their appearance is not justified.

6.The learned Senior Counsel appearing for the petitioners would submit that the petitioners are now in United States of America and due to Covid-19, they could not able to return to India. Now, all the Flights are operating from abroad and the petitioners are ready and willing to appear before the trial Court to re-call the warrant pending against them. He further submitted that only because of the pendency of the look out circular, they are not able to return to India since wherever they return to India they will be secured under the look out circular. He further submitted that the petitioners will return to India between May, 15 and June 15 of 2022.

7.Considering the above submission, the petitioners are directed to appear before the trial Court between 06 and 10 of June 2022 and file a petition to re-call the warrant issued under Section 70(2) of Cr.P.C and the trial Court is directed to consider the same on the same day on merits and in accordance with law. It is also made clear that the petitioners are permitted to appear before the trial Court and to file a petition to re-call the warrant and as such, the look out circular issued against the petitioners are hereby stayed till their appearance before the trial Court. If the petitioners failed to appear before the trial Court between 06 and 10 of June, 2022, this order stand automatically cancelled.



8.With the above direction, this Criminal Revision Case is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Additional Mahila Judge at Magisterial Level,
Thanjavur.
- 2.The Inspector of Police,
All Women Police Station,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,Criminal(Records),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-15574[F] dated 31/03/2022)

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30.03.2022

MGJ(12.04.2022) 3P 7C

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