



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Eleventh day of July Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) . No.4377 of 2022
in
CRL OP(MD) . No. 16225/ 2019

Ahamed Khan

... Petitioner/ Petitioner

Vs

1. The State, Rep. By Inspector of Police
Tirumangalam Town Police Station
Madurai District
(Crime No.124/2009)

2. Salima Begum ... Respondents/Respondents

Prayer in CRL MP(MD) . No.4377 of 2022 :-

This Criminal Miscellaneous Petition filed under section 482 of Cr.P.C., praying this Court to extend the time of the order passed in Crl.OP(MD).No.16225/2019 by on order dt.8/11/2019 the file of this Honble High Court.

Prayer in CRL OP(MD) . No. 16225/ 2019 :

This Criminal Original Petition filed under section 482 of Cr.P.C., praying this Court, to call for records pertaining to the P.R.C.No.16 of 2013 on the file of the learned Judicial Magistrate, Tirumangalam and quash the proceedings as against the petitioner herein.

ORDER:-

This Criminal Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Mahendrapathy, Advocate for the Petitioner and of Mr.S.Manikandan,, Government Advocate (Crl.Side) for the first respondent, this Court made the following order:

The above petition has been filed seeking extension of time to comply with the order passed in Crl.O.P.(MD)No.16225 of 2019, dated 08.11.2019.



2.It is evident from the records that this Court while passing an order in Crl.O.P.(MD)No.16225 of 2019, quashed the case as against the petitioner/A2 subject to the condition that he has to pay a sum of Rs.10,000/- to the credit of Chief Justice Relief Fund and to file a photocopy of the receipt along with the memo reporting compliance before the Registry/1st respondent and the trial Court on or before 05.12.2019, failing which, the order automatically stands cancelled without further reference to this Court and trial Court can proceed with the trial in P.R.C.No.16 of 2013.

3.When the matter was taken up for hearing on 04.07.2022, this Court has directed the Registry to call for the report from the learned Judicial Magistrate, Thirumangalam about the stage of the proceedings in P.R.C.No.16 of 2013 and as to whether the case was committed to the Sessions Court or not.

4.In pursuance of the same, the learned Judicial Magistrate has submitted a report, dated 08.07.2022, stating that the Non-Bailable Warrant is pending against the petitioner/A2 and the case stands posted to 14.07.2022 and that since Non-Bailable Warrant is pending against the accused, the case is not yet committed to the Sessions Court.

5.Though this Court has specifically directed the Committal Court to proceed further, because the Non-Bailable Warrant is pending against the petitioner, the same was not proceeded with. Hence, the respondent police is hereby directed to execute the warrant pending against the petitioner and on such execution, the learned Judicial Magistrate, Thirumangalam, is directed to proceed with the trial.

6.With the above observations, this Criminal Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

TO

1. The Judicial Magistrate, Thirumangalam
2. The Inspector of Police
Thirumangalam Town Police Station
Madurai District.



Copy to:

1. The Additional Public Procedure,
Madurai Bench of Madras High Court, Madurai
2. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 11/07/2022

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ORDER

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CRL MP(MD) . No.4377 of 2022
in

CRL OP(MD) . No. 16225/ 2019

Giving direction and etc.
as stated within.

KB(15.07.2022) 3P 5C