



CrI.O.P.(MD) No.12807 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

CrI.O.P.(MD).No.12807 of 2022

Palaniyandi

... Petitioner

Vs

B.Beer Muhamed Sulthan

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the learned Fast Track Court(Judicial Magistrate Level), Uthamapalaym to accept and pass orders on the warrant recall petition filed by the Petitioner U/s.70(2) of Cr.P.C. on the same day in C.C.No.36 of 2019 pending on the file of the learned Fast Track Court (Judicial Magistrate Level), Uthamapalayam.

For Petitioner : Mr.M.P.Dhamodaran



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ORDER

This criminal original petition has been filed seeking for a direction to direct the learned Fast Track Court(Judicial Magistrate Level), Uthamapalaym to accept and pass orders on the warrant recall petition filed by the petitioner U/s.70(2) of Cr.P.C. on the same day in C.C.No.36 of 2019 pending on the file of the learned Fast Track Court (Judicial Magistrate Level), Uthamapalayam.

2. The facts of the case are that a case has been registered against the petitioner by the respondent with regard to failure in executing the sale deed, after receiving the advance amount from the respondent. The case was taken cognizance in C.C.No.36 of 2019 on the file of learned Fast Track Court (Judicial Magistrate Level), Uthamapalayam under Sections 138, 142 of Negotiable Instruments Act. When the learned Fast Track Court (Judicial Magistrate Level), issued a bailable warrant against the petitioner on 12.02.2020, the petitioner failed to appear. The only reason for the non appearance of the petitioner is that due to national vide lock down and movement of people was restricted by the Government of India, the petitioner



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was not in a position to appear in person before the Court, as his health condition is also vulnerable to the infectious disease.

3. The learned counsel for the petitioner submitted that the petitioner seeks a direction of this Court to the learned Fast Track Court (Judicial Magistrate Level), Uthamapalayam, to consider the warrant recall petition on the same date of his surrender before the Court.

4. In view of the above, this Court directs the learned Fast Track Court (Judicial Magistrate Level), Uthamapalayam, to consider his warrant recall petition on the same date of his surrender.

5. With the above direction, this criminal original petition stands disposed of.

22.07.2022

Internet:Yes
Index:Yes/No
Nsr



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V.SIVAGNANAM, J.

Nsr

To

1.The Fast Track Court (Judicial Magistrate Level),
Uthamapalayam.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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