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Crl.R.C.No.690 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.690 of 2023

1. M/s.Sujala Pipes Private Limited,
Represented by its Director,
No.8-3-833/188, Plot No.188,
1st Floor, Phase II,
Kamapuri Complex,
Hyderabad TG-500 073.
2. Mrs.Parvathi Reddy Sannapu,
Director of M/s.Sujala Pipes Private Limited,
No.8-3-833/188, Plot No.188,
1st Floor, Phase II,
Kamapuri Complex,
Hyderabad TG-500 073.
3. Mrs.Sujala Sajjala @ S.Sujala
Director of M/s.Sujala Pipes Private Limited,
No.8-3-833/188, Plot No.188,
1st Floor, Phase II,
Kamapuri Complex,
Hyderabad TG-500 073

... Petitioners

VS

C.Balamurugan

... Respondent



Prayer : Criminal Revision Case filed under section 397 & 401 of Cr.P.C, to set aside the order dated 22.12.2022 passed in Crl.M.P.No.5218 of 2022 in S.T.C.No.605 of 2019 on the file of the Judicial Magistrate, Fast Track (Magisterial Level) at Poonamallee by allowing this criminal revision case.

For petitioner : Mr.Ralph V.Manohar

ORDER

Challenging the order dated 22.12.2022 passed by the learned Judicial Magistrate, Fast Track (Magisterial Level) at Poonamallee in Crl.M.P.No.5218 of 2022 in S.T.C.No.605 of 2019, this Criminal Revision is filed by the petitioners.

2. The learned counsel for the petitioners submitted that the petitioners are the Accused 1 to 3 in S.T.C.No.605 of 2019 on the file of the Judicial Magistrate, Fast Track (Magisterial Level) at Poonamallee. Against these petitioners/Accused, the complainant filed a compliant under Section 138 of the Negotiable Instruments Act. The bailable warrant was issued on 06.09.2022 as against the petitioners/Accused for non



appearance. Thereafter, the petitioners/Accused have filed a petition under Section 70(2) of Cr.P.C for recalling the bailable warrant without their presence before the Court. Hence, the trial Court dismissed the said petition. The learned counsel for the petitioners further contended that the 2nd petitioner is suffering from cancer and the 3rd petitioner, who is the daughter of the 2nd petitioner, is taking care of him. Hence, they are unable to appear before the Court.

3. Heard the learned counsel for the petitioners and perused the materials available on record.

4. On a perusal of the records, the fact reveals that the petitioners are A1 to A3 in S.T.C.No.605 of 2019 on the file of the Judicial Magistrate, Fast Track (Magisterial Level) at Poonamallee. A complaint has been filed against these petitioners/Accused for the offence under Section 138 of N.I.Act. Since the petitioners/Accused have not appeared before the Court and not cross examined P.W1, the bailable warrant was issued on 06.09.2022. Under these circumstances, the petition has been filed before the Court for recalling the warrant without appearance of the



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petitioners/Accused 1 to 3 before the trial Court. The purpose of issuing the bailable warrant is to secure the accused persons. Under these circumstances, the trial Court cannot recall the warrant without the presence of the accused persons, which is not permissible. I find no merit in this criminal revision case. Accordingly, this criminal revision case is dismissed. The petitioners are at liberty to appear before the Court and file a petition to recall the warrant in the manner known to law.

18.04.2023

srn

To

The Judicial Magistrate, Fast Track (Magisterial Level)

Poonamallee



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V.SIVAGNANAM, J.

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