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Crl.O.P.No.21872 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.09.2023**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21872 of 2023

M.Sithick @ Mohammed Abubakar Sithick ... Petitioner

Vs.

A.Dhanasekaran ... Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to direct the VII Additional Sessions Judge, Chennai to accept the petition filed for surrender and Interim bail, dispensing with service of notice to the respondent complainant and dispose Crl.MP.SR.23456 of 2023 in C.A.No.425 of 2023.

For Petitioner : Mr.M.Prabakar

ORDER

This petition has been filed for a direction to the VII Additional Sessions Judge, Chennai, to accept the surrender petition without insisting for service of notice on the respondent.



Crl.O.P.No.21872 of 2023

2. Heard Mr.M.Prabakar, learned counsel appearing on behalf of the petitioner and this Court has carefully perused the materials available on record.

3. This Court had already passed an order in Crl. OP.No.20336 of 2023 issuing certain directions to the petitioner. Accordingly, the petitioner had filed the surrender petition before the Court below in order to comply with the conditions imposed by this Court. The Court below had insisted for the service of notice on the respondent and since the notice was not able to be served on the respondent before the time frame fixed by this Court, the Court below refused to entertain the surrender petition. Aggrieved by the same, the present petition has been filed before this Court.

4. In the considered view of this Court, insofar as considering the bail application is concerned, it is not necessary for the Court below to insist for the service of notice on the other side. It will suffice if the petitioner complies with the direction issued by this Court in Crl.O.P.No.20336 of 2023.



Crl.O.P.No.21872 of 2023

WEB COPY

5. In view of the above, there shall be a direction to the petitioner to file a surrender petition before the VII Additional Sessions Judge, Chennai on or before 29.09.2023 and file a bail application before the concerned court. The other conditions imposed by the Court below shall stand as it is.

6. This Criminal Original Petition is disposed of with the above directions.

25.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
rjr/rka

Note : Issue order copy on 26.09.2023

To

1. The VII Additional Sessions Judge, Chennai.
2. The Public Prosecutor, High Court, Madras.



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