



C.R.P.No.4893 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HON'BLE MR.JUSTICE T.V.THAMILSELVI

C.R.P.No.4893 of 2023 &
C.M.P.No.28896 of 2023

K.Narayanasamy

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
E-1, Mylapore Police Station,
Chennai – 600 004.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India seeking for a direction to the learned XVIII Metropolitan Magistrate, Saidapet, Chennai to issue certified copies in C.A.SR5258 of 2023 in C.C.No.3928 of 2022 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.G.Karthikeyan, Senior Counsel
for K.Seetharam

For Respondent : Mr.V.Jeevagiridharan,
Additional Government Pleader



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ORDER

This civil revision petition has been filed for a direction to the trial court to issue certified copies in C.A.SR5258 of 2023 in C.C.No.3928 of 2022.

2. Learned Senior Counsel for the petitioner submits that before the trial court, the revision petitioner who is the sole accused in C.C.No.3928 of 2022 applied certified copy of the order dated 19.10.2023 passed in C.C.No.3928 of 2022 in copy application No.5258 of 2023 on 03.11.2023 and till date, he was not able to obtain the certified copy of the same.

3. Learned senior counsel for the petitioner further submits that before the trial court, the petitioner filed application under section 317 Cr.P.C. to condone the absence of the accused which was not accepted. NBW issued by the trial Court on 27.06.2023. On the next hearing date, surrender memo and a petition to recall NBW filed in Cr.M.P.No.14135 of 2023. The trial court held that the as per the order passed by this court in CrI.O.P.No.19611 of 2023, both the parties were referred to mediation and till then, the



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proceedings are ordered to be kept in abeyance. Even prior to that, recall petition has been filed. Due to the said order, the trial court not recalled the warrant. Therefore, recall petition filed by the petitioner in CrI.M.P.No.14135 of 2023 is mentioned as decoded. Aggrieved that now revision.

4. Learned senior counsel for the petitioner further submits that though they inclined to recall the warrant, the observation made by the trial court shows that NBW is still pending which is contrary to the prayer made in the said Cr.M.P.

5. Admittedly, the recall petition filed by the accused also not been disposed of by the trial judge on merits. However, the mediation was also failed. But the quash petition filed by the accused/petitioner before this court date is still pending and the the order of interim stay was also extended. In such circumstances, this court is inclined to stay the execution of NBW in C.C.No.3928 of 2022.

6. In view of the above, the execution of NBW is ordered to be stayed



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for a period of three weeks from the date of receipt of a copy of this order.

Within the said period, the revision petitioner is directed to get further direction from this court in Crl.O.P.No.19611 of 2023. The trial court is also directed to issue certified copy of the order dated 19.10.2023 passed in C.C.No.3928 of 2022 within a period of one week from the date of receipt of a copy of this Order. Accordingly, this civil revision petition is closed. No costs.

20.12.2023

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Index : Yes/No

Speaking order/Non-speaking order

Neutral Citations : Yes/No



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To

1.The XVIII Metropolitan Magistrate, Saidapet, Chennai.



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T.V.THAMILSELVI,J.

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