



Crl.O.P.(MD)No.2109 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.2109 of 2023

K.Muthukumar

... Petitioner

Vs.

P.S.Govindaraj

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.I (Fast Track Court at Magistrate Level), Madurai to accept and pass orders on the warrant recall petition filed by the petitioner under Section 70(2) of Cr.P.C on the same day, without insisting the appearance of the petitioner in S.T.C.No.537 of 2016 pending on the file of the learned Judicial Magistrate No.I, (Fast Track Court at Magistrate Level) Madurai.

For Petitioner : Mr.R.Raja Mohan



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Judicial Magistrate No.I (Fast Track Court at Magistrate Level), Madurai to accept and pass orders on the warrant recall petition filed by the petitioner under Section 70(2) of Cr.P.C on the same day, without insisting the appearance of the petitioner in S.T.C.No.537 of 2016 pending on the file of the learned Judicial Magistrate No.I, (Fast Track Court at Magistrate Level) Madurai.

2. The learned counsel for the petitioner submitted that the petitioner is facing charges under Section 138 of Negotiable Instrument Act in S.T.C.No.537 of 2016 on the file of the Judicial Magistrate No.I, (Fast Track Court at Magistrate Level), Madurai. Due to Covid-19 lockdown, the petitioner is unable to appear before the trial Court regularly and therefore, the trial Court issued non bailable warrant on 08.08.2021. Now, the petitioner is ready to appear before the trial Court to recall the Non-Bailable Warrant issued against him.



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

4. This Court feels that such direction may not be proper and the petitioner is directed to approach the concerned trial Court by setting all the facts and the circumstances of the case is recall the warnat.

5. This Court cannot, whether the petitioner got merit or not. Any positive direction cannot be passed. The petitioner is granted liberty to workout his remedy before the cocerned Court.

With the above said liberty, this Criminal Original Petition is disposed of.

10.03.2023

Index : Yes / No
Internet : Yes / No
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To

1.Judicial Magistrate No.I (Fast Track Court at Magistrate Level),
Madurai

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



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G.ILANGO VAN,J

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Order made in
CrI.O.P.(MD)No.2109 of 2023

Dated: 10.03.2023