



CrI.O.P.(MD)No.15333 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **16.10.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

CrI.O.P.(MD)No.15333 of 2023

and

CrI.M.P.(MD)No.12165 of 2023

1.Mohanakumar

2.Stephen

3.Senthilkumar

... Petitioner/sole accused

Vs.

A.Selvaraj M.A

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the order of the non bailable warrant passed in C.C.No.306 of 2023 dated 19.07.2023 on the file of the Judicial Magistrate No.I, Kuzhithurai and to quash the same as against the petitioners and consequently direct the petitioners to appear before the Judicial Magistrate No.I, Kuzhithurai on 13.09.2023 or any other date as specified by this Court.

For petitioners : Mr.S.Sivakumar

ORDER

This petition has been filed seeking to quash non bailable warrant issued against the petitioners in C.C.No.306 of 2023 dated 19.07.2023 on



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the file of the Judicial Magistrate No.I, Kuzhithurai and to permit the petitioners to appear before the trial Court.

2.The case of the prosecution is that there is a civil dispute between the respondent and his brothers. In this connection, the petitioners 1 and 2 took the respondent in a police jeeb and seized his mobile and watch. They also attacked the respondent and obtained signature in empty papers. Thereby, a case has been registered and after investigation, final report has also been filed as against the petitioners in C.C.No.306 of 2023. Since the petitioners herein had failed to appear before the trial Court, non bailable warrant was issued as against the petitioners. Challenging the same, the present petition has been filed.

3.The learned counsel for the petitioners submits that the petitioners did not aware of the summons issued to the petitioners to the address in the complaint made by the respondent. The petitioners' address given by the respondent in the private complaint are incorrect. The petitioners came to know about the pendency of this case against them only through the third accused, namely Rajini, who appeared in this case before the trial Court. He further submits that the petitioners are



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ready to appear before the trial Court and cooperate with the trial process.

4.Recording the submission made by the learned counsel for the petitioner, the following order is passed by this Court:

(i)The Petitioners shall appear before the learned Judicial Magistrate No.I, Kuzhithurai and execute bond under Section 88 of the Criminal Procedure Code to the satisfaction of the learned Magistrate concerned.

(ii)On execution of such bond, the non bailable warrant issued against the petitioners be recalled.

5.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is also closed.

16.10.2023

Index : Yes/No
Internet : Yes/No
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Note: Issue order copy on 18.10.2023



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G.ILANGO VAN. J.

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To

- 1.The Judicial Magistrate No.I, Kuzhithurai
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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