



CrI.O.P.(MD) No.17518 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.10.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD)No.17518 of 2023

Prakash

...Petitioner / Accused No.3

Vs.

1.State Rep.by

The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.

...1st Respondent / Complainant

2.Srimathy

...2nd Respondent / De-facto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Mahila Court, Nagercoil, Kanyakumari District to consider the warrant recall application of the petitioner on the same day in S.C. No.57 of 2016 on the file of the learned Mahila Court, Nagercoil, Kanyakumari District.

For Petitioner :Mr.A.Nagendran

For Respondent :Mr.Sakthi Kumar
Government Advocate (crl.side)



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ORDER

This criminal original petition has been filed seeking direction to the learned Mahila Court, Nagercoil, Kanyakumari District to consider the warrant recall application of the petitioner on the same day in S.C. No.57 of 2016 on the file of the learned Mahila Court, Nagercoil, Kanyakumari District.

2.The petitioner is facing charges under Sections 453 and 294 of IPC before the Mahila Court, Nagercoil in S.C.No.57 of 2016. He was already granted bail by the trial Court in the year 2015. Thereafter, final report was filed showing this accused as absconding accused. The learned counsel for the petitioner would submit that the petitioner is running his business in other States. Hence, he is not aware of the present proceedings. Hence, he was absent during the above said proceedings. Therefore, non bailable warrant was issued by the trial Court.

3.In view of the above, this Court is of the view that the petitioner must surrender before the trial Court in person. Accordingly, there shall be a direction to the petitioner to surrender before the trial Court in person by filing appropriate petition setting out all facts and circumstances and get the warrant recalled. If



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such petition is filed by the petitioner, the trial Court shall consider the same on its own merits and in accordance with law. The petitioner shall appear before the trial Court on all hearings regularly and co-operate to complete the trial process.

4.With the above said directions, this criminal original petition stands disposed of.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

03.10.2023

TM

To

- 1.The Judge, Mahila Court, Nagercoil, Kanniyakumari District.
- 2.The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA. J.

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