



Crl.O.P.(MD) No.21213 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.21213 of 2023

Maria John

... Petitioner

Vs

The Inspector of Police,
Karungal Police Station,
Kanyakumari District. Cr.No.416/2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court, to direct the learned Judicial Magistrate, Eraniel to accept the surrender of the petitioner and consider his recall petition filed U/s.70(2) of Cr.P.C on the same day on merits in PRC No.47/2023 pending on the file of Judicial Magistrate Court, Eraniel.

For Petitioner : Mr. Susi Kumar.C

For Respondents : Mr. M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

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This petition has been filed to direct the learned Judicial Magistrate, Eraniel to accept the surrender of the petitioner and consider his recall petition filed U/s.70(2) of Cr.P.C on the same day on merits in PRC No. 47/2023 pending on the file of Judicial Magistrate Court, Eraniel.

2.The prayer of the petitioner is that to direct the committal Court to consider the recall petition filed by the petitioner on the same day itself.

3.This Court cannot give a direction to the committal Court to consider the recall petition filed by the petitioner on the same day itself. This discretionary relief cannot be exercised by this Court. The committal Court may consider the petition to be filed by the petitioner depending upon the facts and circumstances of the case and on its own merits and in accordance with law.



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4.In view of the above, this petition stands dismissed.

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27.11.2023

NCC : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

To

1. The Judicial Magistrate, Eraniel
- 2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District. Cr.No.416/2021.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J.

PNM

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