



WEB COPY



Crl.O.P.No.2651 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2651 of 2024

M/s.Sri Rajaguru Spinners
rep. By its Proprietor Vijayakumar,
W-8/11-J, Kacheri Valasu,
Vellakovil, Kangeyam Taluk,
Tiruppur – 638 111.

... Petitioner

Vs.

M/s.J.K.Tex rep. by its
Power Holder Jaya kumar,
117/1, Kumilamparappu,
Chithode, Erode Taluk,
Erode – 638 102.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to direct the learned Judicial Magistrate, Fast Track Magisterial -
I, Erode to recall the bailable warrant issued as against the petitioner in
absentia of the petitioner appearance in STC No.187 of 2023 on the file
of Judicial Magistrate – Fast Track Magisterial No.1, Erode.

For Petitioner : Mr.K.Venkateswaran



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ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Judicial Magistrate, Fast Track Magisterial - I, Erode, to recall the bailable warrant issued against the petitioner in STC No.187 of 2023 on the file of Judicial Magistrate – Fast Track Magisterial No.1, Erode.

2. Learned counsel for petitioner submitted that the petitioner is going to undergo a kidney transplantation operation and therefore, he is not in a position to travel anywhere. Since the petitioner was absent when the case was called, a bailable warrant has been issued against the petitioner on 14.07.2023. The petitioner filed an application to recall the warrant without insisting for the personal appearance of the petitioner. Learned counsel submitted that the Court below is not entertaining this application and is insisting for the presence of the petitioner. Aggrieved by the same, the present petition has been filed before this Court.

3. Taking into consideration the facts and circumstances of the case and also taking into consideration the reason that has been assigned by



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the petitioner for not being able to be present before the Court below, there shall be a direction to the Court below to deal with the application for recalling the bailable warrant without insisting for the presence of the petitioner. The petitioner shall also file an application u/s.205 Cr.P.C. before the same Court and seek for the permission of the Court to permit the petitioner to be represented through a counsel.

4. The said application shall be dealt with by the Court below based on the records that are submitted by the petitioner justifying his inability to appear before the Court below. The Court below can pass appropriate orders in this petition by getting a bond executed from the petitioner u/s.88 Cr.P.C.

This Criminal Original Petition is disposed of in the above terms.

13.02.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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N.ANAND VENKATESH, J

gm

To

The Judicial Magistrate,
Fast Track Magisterial No.1,
Erode.

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13.02.2024