



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.3345 of 2024

Gowtham

...Petitioner

Vs

State Rep. by
The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore District.
Crime No.494 of 2016

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Judicial Magistrate No.VII, Coimbatore in PRC No.8 of 2017 dated 30.03.2023.

For Petitioner : Mr.Thamarai Selvan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in PRC No.8 of 2017 dated 30.03.2023.



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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3. The Court below passed the following order on 30.03.2023:

A3 produced through PT warrant from prison in court. Counsel Subramania Bharathi filed memo of appearance for A3. The Inspector of Police, C-3 Saibaba Colony Police Station has placed a requisition for issuance of fresh warrant u/s 309 Cr.P.C. On perusal of case record, and notes paper of this court, it is found that on 25.11.2022, the Inspector of police has returned the summons of A3 unserved along with a memo stating that A3 is not residing in the address of Door.No. 31, Kamarajapuram, 2nd street, Ganapathy and court has directed action against surety of A3. Considering all these circumstance and the case being 5 year old pending from year of 2017, and chances of abscondence. A3 remanded to Judicial custody u/s 309 Cr.P.C. in PRC.No: 8/2017 till 12.04.2023.

4. In the considered view of this Court, there is no reason as to why this order has been put to challenge before this Court at this length of time. It is always left open to the petitioner to move a bail application before the concerned Court and seek for



enlargement on bail. Except giving this liberty, no further orders can be passed in this criminal original petition.

5.This criminal original petition is disposed of in the above terms.

15.02.2024

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
ssr

To

1.The Judicial Magistrate No.VII, Coimbatore.

2.The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore District.

3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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