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Crl.R.C.No.775 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.775 of 2024

Shahrulkh Malik

... Petitioner

Vs.

N.P.Vikram Prakash

... Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, pleaded to set aside the order passed in Crl.M.P.No.5015 of 2023 in S.T.C.No.893 of 2021 dated 27.02.2024 by the learned Judicial Magistrate No.I, Virudhachalam.

For Petitioner : Mr.Tanya Kapoor

ORDER

The Criminal revision case has been filed to set aside the order passed in Crl.M.P.No.5015 of 2023 in S.T.C.No.893 of 2021 dated 27.02.2024 by the learned Judicial Magistrate No.I, Virudhachalam.



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2. It is the case of the prosecution that the respondent filed a complaint u/s.138 of Negotiable Instruments Act before the learned Judicial Magistrate No.1, Virudhachalam alleging that the petitioner failed to pay the debt amount as against the respondent. The petitioner filed a petition u/s.317 of Cr.P.c due to his health condition before the Trial Court, which was dismissed vide order dated 04.10.2023 by issuing a non bailable warrant against the petitioner. Further, a petition u/s.444 of Crl.P.C was filed by the sureties to discharge themselves from sureties given for the petitioner and the same was also allowed by the learned Magistrate. Challenging the order dated 04.10.2023, the petitioner preferred a petition in Crl.M.P.No.5015 of 2024 u/s.70(2) for recall / cancellation of Non bailable warrant issued against the petitioner. However, the said petition was dismissed vide order dated 27.02.2024, which is the subject matter of challenge in the present criminal original petition.



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3. When the matter is taken up for hearing the learned counsel for the petitioner submits that this Court may permit the petitioner to appear before Trial Court on a particular date and also to permit the petitioner to file petitions under Sections 88 and 70(2) of Cr.P.C before the Trial Court and if such petitions are filed by the petitioner, the Trial Court may be directed to consider the same and pass appropriate orders within the time frame stipulated by this Court.

4. Heard the learned counsel for the petitioner and perused the materials placed on record.

5. In view of the submission made by the learned counsel for the petitioner, the Criminal Revision case is dismissed with liberty to the petitioner to appear before the trial Court on 05.06.2024 and on the same day



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the petitioner is directed to file petitions u/s. 88 and 70(2) of Cr.P.C, upon filing such petitions, the learned Magistrate No.1, Virudhachalam, is directed to consider the same and pass appropriate orders.

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Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

Neutral citation : Yes/No

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The Judicial Magistrate No.I, Virudhachalam.



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M.DHANDAPANI, J.

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