



Crl.O.P.(MD)No.18075 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.18075 of 2022

and

Crl.MP(MD)No.12062 of 2022

Vijayalakshmi

... Petitioner/Respondent

Vs.

R.Sabeetha

... Respondent/Petitioner

PRAYER:- Petition filed under Section 482 of Cr.P.C., to call for the records and set aside the order dated 28.07.2022 passed by the Judicial Magistrate, Aruppukottai, in C.C.No.126 of 2021 and to further direct the learned Judicial Magistrate, Aruppukottai, to accept the surrender of the petitioner and to consider the warrant recall petition filed by the petitioner on 28.07.2022 within the time limit fixed by this Court since the warrant issued is a bailable warrant under Section 138 of NIA Act.

For Petitioner : Mr.V.Santhakumaresan

ORDER

This petition has been filed to set aside the order dated 28.07.2022 passed by the learned Judicial Magistrate, Aruppukottai, in C.C.No.126 of 2021 and to further direct the learned Judicial Magistrate, Aruppukottai, to accept the



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surrender of the petitioner and to consider the warrant recall petition filed by the petitioner on 28.07.2022 within the time limit fixed by this Court.

2.The learned counsel for the petitioner would submit that the petitioner is arrayed as accused in C.C.No.126 of 2021 on the file of the learned Judicial Magistrate, Aruppukottai. Since the non-appearance of the petitioner, non-bailable warrant was issued against her on 10.12.2021. Hence, the petitioner filed re-call petition and the same was ordered by imposing the cost of Rs.10,000/-. Aggrieved against the same, the present petition has been filed.

3.However, the learned counsel appearing for the petitioner would submit that during the pendency of this petition, the petitioner paid entire cost of Rs.10,000/- before the trial Court. Hence, no further order is necessary in this petition. However, this Court may dispense with the personal appearance of the petitioner before the trial Court.

4.He would further submit that this Court may issue a direction to the learned Judicial Magistrate, Aruppukottai, to conclude the trial in C.C.No.126 of 2021 within a time stipulated by this Court and permit the petitioner to produce the necessary defence witness.



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5. Though notice was served to the respondent, till date, it is awaited.

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6. Since the conditional order passed by the learned Judicial Magistrate, Aruppukottai has been complied with by the petitioner, without interfering with the order passed by the learned Judicial Magistrate, Arupukottai dated 28.07.2022, this Court is inclined to pass the following orders:-

i) The learned Judicial Magistrate, Arupukottai is directed to conclude the trial in C.C.No.126 of 2021 within a period of six months from the date of receipt of copy of this order.

ii) The liberty is granted to the petitioner to produce the defence witness.

iii) The personal appearance of the petitioner before the trial court is dispensed with except for her appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C., and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct her appearance on those days.



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7. With the above directions, this Criminal Original Petition is dismissed.

Consequently, the connected miscellaneous petition is closed.

23.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
dss

To
The Judicial Magistrate,
Aruppukottai.



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M.DHANDAPANI, J.

dss

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