



Crl.R.C.(MD) No.1421 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH, J.

Crl.R.C.(MD) No.1421 of 2023

and

Crl.M.P.(MD)No.43 of 2024

Shanthi

...Petitioner / Petitioner/ Accused No.4

Vs.

State Rep. by

The Inspector of Police,

Karungal Police Station,

Kanyakumari District.

(Crime No.17 of 2020) ...Respondent/ Respondent/Complainant

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order in Crl.M.P.No.6825 of 2023 in P.R.C.No.8 of 2022 dated 02.12.2023, passed by the learned Judicial Magistrate, Eraniel and to set aside the same and allow the revision.



Crl.R.C.(MD) No.1421 of 2023

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : Mr.R.Sivakumar,

Government Advocate (Crl.Side)

ORDER

Challenging the order dated 02.12.2023 passed by the learned Judicial Magistrate, Eraniel in Crl.M.P.No.6825 of 2023 in P.R.C.No.8 of 2022, the petitioner has come forward before this Court with the present Criminal Revision Petition.

2. Heard Mr.K.P.Narayanakumar, learned counsel for the revision petitioner and Mr.R.Sivakumar, learned Government Advocate (Crl.Side) appearing on behalf of the State.

3. The learned counsel for the petitioner submitted that the petitioner is a lady and has no previous crime history. He further submitted that the petitioner is taking treatment and is not in a position to appear before the Court below and in view of her ill-health, she had



Crl.R.C.(MD) No.1421 of 2023

moved an application under Section 70 (2) of the Criminal Procedure Code to recall the warrant issued against her before the learned Judicial Magistrate, Eraniel and the same was dismissed on 02.12.2023. Hence, this Criminal Revision petition.

4. Considering the submissions made on either side and also taking note of the health issue of the petitioner, who being a lady, this Court directs the learned Judicial Magistrate, Eraniel to consider the application of the petitioner which will be moved afresh by her, strictly on merits and also taking into account, the present condition of the petitioner. The learned Judicial Magistrate is also directed to pass a fresh order on the application filed by the petitioner, within a period of two weeks from the date of production of the certified copy of the order passed by this Court today.

5. It is also made clear that this Court has not adjudicated the case on merits and that no inference shall be drawn from the order being passed today.



Crl.R.C.(MD) No.1421 of 2023

WEB COPY

6. With these observations and direction, the Criminal Revision Case is disposed of. Consequently, connected miscellaneous petition is also closed.

03.01.2024

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

RM/DP

Note : Issue order copy on 04.01.2024



WEB COPY



Crl.R.C.(MD) No.1421 of 2023

To

1. The Judicial Magistrate,
Eraniel.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.R.C.(MD) No.1421 of 2023

VIVEK KUMAR SINGH, J.

RM/DP

CrI.R.C.(MD) No.1421 of 2023

(1/2)

03.01.2024