



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.9.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

CRL.O.P.(MD)No.18641 of 2015

Raja @ Kumar

... Petitioner

Vs.

1.The Inspector of Police,
K.Pudur Police Station,
K.Pudur, Madurai.

2.M.Srinivasan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C praying to direct learned Judicial Magistrate No.II (Fast Track Court No.1), Madurai to consider the petitioner's surrender and recall the warrant under Section 70(2) of Cr.P.C on the strength of non bailable warrant issued by the Judicial Magistrate No.II (Fast Track Court No.1), Madurai in S.T.C.No.665 of 2012.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.A.P.Balasubramani

Govt. Advocate (Crl. Side) for R1

ORDER

The petitioner has come forward with this application seeking a direction to the learned Judicial Magistrate No.II, FTC No.1, Madurai, to consider the petitioner's surrender and recall the Non Bailable Warrant under Section 70(2) of Cr.P.C .

2.The petitioner is arrayed accused in S.T.C.No.665 of 2012 on the file of the learned Judicial Magistrate No.II, FTC No.1, Madurai, for offences punishable under Sections 138 and 142 of Negotiable Instruments Act, 2002. The learned counsel for the petitioner would submit that since the petitioner went to Bangalore for his avocation, he is not able to appear before the Court on 14.08.2015 and hence, Non Bailable Warrant has been issued against him.

3. Heard the submissions made by the learned counsel appearing on either side. The materials available on record were

<https://hccs.e-courts.gov.in/services/>

4.Consideri ng the rival submissions made by both sides and



considering the fact that due to non-appearance of the petitioner, Non Bailable Warrant has been issued, this Court is of the view that it is a fit case to give a direction to the learned Judicial Magistrate No.II, FTC No.1, Madurai. Hence, the learned Judicial Magistrate No.II, FTC No.1, Madurai is directed to consider the petitioner's surrender and the petition filed to recall the Non Bailable Warrant under Section 70(2) Cr.P.C. in accordance with law and on merits and pass appropriate order on the same day.

5.Accordingly, this Criminal Original Petition is ordered.

Sd/-

Assistant Registrar (Per.Admn)

/True Copy/

Sub Assistant Registrar

To

1. Judicial Magistrate No.II
(Fast Track Court No.1),
Madurai.
2. The Inspector of Police,
K.Pudur Police Station,
K.Pudur, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras
High Court, Madurai.

+ 1 CC TO MR.S,KRISHNAN, ADVOCATE IN SR NO. 57550/15

SES

TE/SKS-RR/ 08/10/2015 2p/5c

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