



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.9.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

CRL.O.P.(MD)No.18642 of 2015

Muthupandi

... Petitioner/Accused.

Vs.

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

... 1st Respondent/Respondent

2.M.Srinivasan

... 2nd Respondent/Complainant.

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 learned Judicial Magistrate No.II (Fast Track Court No.1), Madurai in S.T.C.No.652 of 2012.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.A.P.Balasubramani
Govt. Advocate (Crl. Side) for R1O R D E R

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.652 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 also perused.

4.Considering 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 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.

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Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To

1. The 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.

+1CC to Mr.S.Krishnan, Advocate, SR.No. 57549

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AM/07.10.2015/DP/SAR-II/2P/5C