



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.11.2015**

CORAM:

THE HONOURABLE Mr.JUSTICE **S.VAIDYANATHAN**

CRL.O.P. (MD) .No.21038 of 2015

Rathinavelu : Petitioner/Petitioner

Vs.

M.Kumar : Respondent/Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the learned Chief Judicial Magistrate, Karur to consider the petition for re-call the Non Bailable Warrant issued on 18.02.2013 in C.C.No. 15 of 2006 on the same day and pass such further order or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.M.R.Sreenivasan

For Respondent : Mrs.S.Prabha,
Government Advocate (Criminal Side)

ORDER

The petitioner has come forward with this petition under Section 482 of Code of Criminal Procedure, seeking a direction to the learned Chief Judicial Magistrate, Karur to consider the petition for re-call the Non Bailable Warrant issued on 18.02.2013 in C.C.No. 15 of 2006 on the same day.

2. Heard the submissions made by the learned counsel appearing on either side.

3. The learned counsel for the petitioner would submit that the petitioner is working as the Deputy Superintendent of Police and if the Non Bailable Warrant is executed, his carrier would be spoiled and hence, the petitioner has come up with the present petition. It is further represented that the proceeding in C.C.No.15 of 2006 was



re-numbered as S.C.No. 20 of 2009 on the file of the learned Additional Assistant Sessions Judge, Karur.

4. Section 70(2) of Cr.P.C reads as follows:

"Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed".

5. It is open to the petitioner to file a petition under Section 70(2) Cr.P.C to re-call the Non Bailable Warrant issued against him and on such filing, the same may be considered by the appropriate forum on merits and in accordance with law.

6. With the above observation, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (T &P)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Assistant Sessions,
Karur.

2. The Chief Judicial Magistrate,
Karur.

+1cc to Mr.M.R.Sreenivasan, Advocate Sr.No.64933

akm/17.11.2015 /2p-4c/

Order made in
CRL.O.P. (MD) .No.21038 of 2015
Dated:- 03.11.2015