



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

CRL.O.P.(MD)No.2857 of 2015

Premkumar @ Ganabathy

.. Petitioner/Accused NO.1

.. Vs ..

Mariammal @ Mariselvi

.. Respondent/Defacto Complainant

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, to direct the Learned Judicial Magistrate NO.IV, Tirunelveli to pass order on the Non-Bailable Warrant recall petition filed by the petitioner on the same day of surrender in Crl.M.P.No.2543 of 2014 in M.C.No.9 of 2013 on the file of the Judicial Magistrate No.IV, Tirunelveli.

For Petitioner : Mr.A.D.Ganeshamoorthi

ORDER

The petitioner seeks for a direction to the learned Judicial Magistrate No.IV, Tirunelveli to consider the bail petition on the same day of surrender and release him on bail in Crl.M.P.No.2543 of 2014 in M.C.No.9 of 2013 pending on his file.

2.The petitioner is accused for offences punishable under Section 12 of the Domestic Violence of Women Protection Act, 2005.

3.The learned counsel for the petitioner submits that non-bailable warrant has been issued against the petitioner since he had not appeared before the lower Court.

4.Considering the submissions made, this Court directs the petitioner to file a petition under Section 70(2) of Cr.P.C. for recalling the Non-Bailable Warrant before the learned Judicial Magistrate No.IV, Tirunelveli and in the event of filing such an application, the learned Judicial Magistrate No.IV, Tirunelveli is directed to consider the same and pass orders on merits on the same day and in accordance with law. It may be noted that for such purpose, it will not be necessary for the petitioner to appear in person before the lower Court.

5.With the above direction, the petition is disposed of. The petitioner shall avail of the opportunity provided under this order within a period of two weeks from the date of receipt thereof.

Sd/-

Assistant Registrar(AS)

/True copy/



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To

The Judicial Magistrate NO.IV,
Tirunelveli

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+1cc to MR.A.D.GANESHAMOORTHY, ADVOCATE IN SR NO. 8565

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