



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2015

CORAM

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

CRL.O.P. (MD) No.3578 of 2015

R.Thangaraj

... Petitioner

Vs.

The State represented by
the Inspector of Police,
Kallimandayam Police Station,
Dindigul District.
(C.C.No.925 of 2012),
(within the jurisdiction of
Judicial Magistrate, Ottanchathiram)

... Respondent

Prayer: Criminal Original Petition is filed under section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate, Ottanchathiram to recall the Non Bailable Warrant pending against the petitioner dated 30.01.2015 in C.C.No.925 of 2012 by accepting the petition filed under Section 70(2) of Cr.P.C.

For Petitioner : Mr.P.Mahendran

For Respondent : Mr.K.V.Rajarajan
Govt. Advocate (Crl.side)

O R D E R

This Criminal Original Petition is filed for a direction to the learned Judicial Magistrate, Ottanchathiram to recall the Non-Bailable Warrant pending against the petitioner dated 30.01.2015 in C.C.No.925 of 2012 by accepting the petition filed under Section 70(2) of Cr.P.C.

2. The petitioner is accused for offence punishable under Section 138 of the Negotiable Instruments Act.

3. The learned counsel for the petitioner submits that Non-Bailable Warrant has been issued against the petitioner since he has not appeared before the lower Court.



4. Considering the submissions made, this Court feels that this is a fit case for cancellation of the Non-Bailable Warrant issued by the lower Court and accordingly, the petitioner is directed to appear in person to file a petition under Section 70(2) of Cr.P.C. for cancelling the Non-Bailable Warrant before the learned Magistrate and in the event of filing such an application, the learned Judicial Magistrate, Ottanchathiram is directed to consider the same and pass orders on merits on the same day and in accordance with law. For such purpose, the petitioner will not appear before the Court below.

With the above direction, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate,
Ottanchathiram.
2. The Inspector of Police,
Kallimandayam Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.Mahendran,Advocate SR.No.9577

CRL.O.P. (MD) No.3578 of 2015
02.03.2015

akv
PA/12.03.2015/2P/5C