

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 08.08.2016****CORAM:****THE HONOURABLE Dr. JUSTICE S.VIMALA****Crl.O.P. (MD) .No.13931 of 2016**

1.B.Russelraj

2.Nanjil Milk Plant

Through its Executive Director

B.Russel Raj

Mulagumoodu

Kanyakumari District

.. Petitioners / Accused No.3&4

Vs.

The Food Inspector,

Sucheendaram Town Panchayat,

Kanyakumari District

.. Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Learned Judicial Magistrate NO.3 Nagercoil to consider the Petitioner's Petition filed under Section 70(2) to recall the non bailable warrant issued in CC No. 162 of 2009 dated 01.08.2016 on the same date.

For Petitioner : Mr.K.Samidurai

For 1st Respondent : Mr.A.P.Balasubramani

Government Advocate (Criminal side)

ORDER

It is an application seeking a direction to the Judicial Magistrate NO.3 Nagercoil to consider the Petitioner's Petition filed under Section 70(2) to recall the non bailable warrant issued in CC No. 162 of 2009 dated 01.08.2016 on the same date.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent.

3.The petitioner is stated to be the Director of Anbu Illam, which is a Public Charitable Trust, giving protection for orphans and persons, who are living below the poverty line. It is stated that because of the non appearance of the petitioners, on 01.08.2016, due to unavoidable circumstances, the Court below has chosen to issue non bailable warrant. It is also represented that there may be a direction to the Judicial Magistrate to recall the



warrant on the day of appearance itself.

4. Under the stated circumstances, the Judicial Magistrate No.3 Nagercoil is directed to consider the application to be filed by the petitioner under Section 70(2) Cr.P.C. to recall the warrant on the same day and pass orders.

5. With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate NO.3
Nagercoil

2. The Inspector of Police,
Sucheendaram Town Police Station,
Kanyakumari District

3. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SAMIDURAI, Advocate, SR No.42672

Cr1.O.P (MD) No.13931 of 2016
08.08.2016

RR

SH/KBM/SAR-CO:10.08.2016:2P/5C