

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.29246 of 2017

1.Bheema Gowder
2.Bellu @ Ravichandran
3.Koora Ajjan
4.Kalla Jogee
5.S.M.Sakkarai
6.M.Kannan
7.Bhojan
8.Hiriyan
9.Lakshmanann

... Petitioners

Vs

State, rep. by
The Inspector of Police,
Kotagiri Police Station,
Nilgiris District

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.
to recall the warrant issued by the learned Judicial Magistrate,
Kotagiri in C.C.No.76 of 2009.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.C.Iyyapparaj
Addl. Public Prosecutor

O R D E R

This petition has been filed to recall the warrant issued by
the learned Judicial Magistrate, Kotagiri in C.C.No.76 of 2009
against the petitioners.

2. According to the petitioners, the non bailable warrant
was issued against the petitioners on 13.06.2017. Since the
petitioners are aged persons, and they were not able to appear
before the trial Court on 13.06.2017 and on that date there was
also an advocate boycott, due to the said advocate boycott, the
advocate also not appeared before the Court on that day. Hence
the trial Court issued non bailable warrant against the
petitioners and thus they sought for recalling the warrant.

3. Considering the submission made by the learned counsel appearing for the petitioners, this Court directs the petitioners to appear before the trial court on 08.01.2018 by filing an application under Section 70(2) Cr.P.C to re-call the warrant in respect of C.C.No.76 of 2009 and also by filing an affidavit before the concerned Court to the effect that they will appear before the said Court on all the hearing dates without fail, and in the event of filing such an application, the learned Judicial Magistrate, Kotagiri, is directed to consider the same on the same day on merits and pass appropriate orders. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

rrg
To

- 1.The Judicial Magistrate,
Kotagiri.
- 2.The Inspector of Police,
Kotagiri Police Station,
Nilgiris District
- 3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.N. Arunkumar, Advocate Sr.92193

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(CS-VII)
EU(31/01/2018)

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