



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD).No.15921 of 2017

1. Zaithoon Beevi
2. Mohamed Anwar . . . Petitioners

Vs.

State represented by,
The Inspector of Police,
Pudukkottai,
Pudukkottai District.
(In Crime No.98 of 2012) . . . Respondent

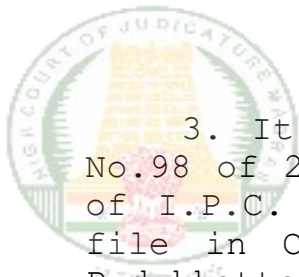
Prayer: Criminal Original Petition is filed under Section 482 and 70(2) of Criminal Procedure Code, to direct the learned Judicial Magistrate, Pudukkottai, to consider the Recall Warrant petition filed by the petitioner on the same day in the event of surrender by the petitioner and seeks to recall the Non Bailable Warrant issued in C.C.No.72 of 2013 pending on the file of the learned Judicial Magistrate Court, Pudukkottai.

For Petitioners : Mr.J.Sulthan Basha,
for M/s.Ajmal Associates.
For Respondent : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the learned Judicial Magistrate, Pudukkottai, to consider the Recall Warrant petition filed by the petitioners on the same day in the event of surrender by the petitioners and to recall the Non Bailable Warrant issued in C.C.No.72 of 2013 pending on the file of the learned Judicial Magistrate, Pudukkottai.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.



3. It appears that the petitioners are the accused in Crime No.98 of 2012 for the alleged offences under Sections 406 and 420 of I.P.C. After filing of Charge Sheet, the case was taken on file in C.C.No.72 of 2013 by the learned Judicial Magistrate, Pudukkottai. It is stated that due to absence of the petitioners, Non Bailable Warrant was issued by the learned Judicial Magistrate, Pudukkottai, on 07.03.2017.

4. It is also stated that the petitioners filed a petition for Anticipatory Bail before this Court and the same was granted. It is further stated that due to ill-health and on account of inability to arrange sureties within a short span of time, the order of this Court, dated 04.09.2017, in the petition for Anticipatory Bail could not be complied with. The petitioners further states that they would co-operate with the trial.

5. Having regard to the facts and circumstances of the case, this Court is able to see the justification for allowing this petition. Hence, recording the undertaking that the petitioners would co-operate with the trial, the Criminal Original petition is allowed and the learned Judicial Magistrate, Pudukkottai District, is directed to accept the surrender of the petitioners and to consider their warrant recall petition filed under Section 70(2) of Cr.P.C., on the same day on merits in C.C.No.72 of 2013.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Pudukkottai District.

2. The Chief Judicial Magistrate, Pudukkottai.

3.The Inspector of Police,
Pudukkottai,Pudukkottai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO M/S.Ajmal Associates , Advocate in SR No. 88938

pmu

AE/JC/SAR4/05.12.2017/2P/6C