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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD).No.16730 of 2017

Raj Kannan @ Manivel : Petitioner/Accused No.13

Vs.

The State represented by
The Inspector of Police,
Bodi Taluk Police Station,
Theni District.
(in Crime No.91 of 2003)

... Respondent / Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Chief Judicial Magistrate, Theni to consider and accept the re-call warrant petition to be filed in Non Bailable Warrant issued against the petitioner in S.C.No.221 of 2014, dated 08.07.2015 pending on the file of the learned Chief Judicial Magistrate, Theni and consider the same on the same day of filing of the said petition.

For Petitioner : Mr.G.Karuppasamy Pandian

For Respondent : Mr.K.S.Duraipandian
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed to direct the

learned Chief Judicial Magistrate, Theni to consider and accept



the re-call warrant petition to be filed in Non Bailable Warrant issued against the petitioner in S.C.No.221 of 2014, dated 08.07.2015 pending on the file of the learned Chief Judicial Magistrate, Theni and consider the same on the same day of filing of the said petition.

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

3.It appears that a case was registered against the petitioner in Crime No.91 of 2003 by the respondent police. After filing of the Charge Sheet, the case was taken on file in S.C.No.221 of 2014 by the learned Chief Judicial Magistrate, Theni and the petitioner has arrayed as Accused No.11.

4.It is stated that pending trial, Non Bailable Warrant was issued against the petitioner on 08.07.2015. It is further stated that due to his illness, he could not attend the Court hearing on 08.07.2015. In the said circumstances, the petitioner has approached this Court.

5.Considering the facts and circumstances of the case, the petition is allowed. The learned Chief Judicial Magistrate, Theni, is directed to consider the petition to be filed by the petitioner under Section 70(2) of Cr.P.C., to recall the Non Bailable Warrant issued against the petitioner, dated 08.07.2015 in S.C.No.221 of 2014 on the same day on merits.



6. With the above direction, the Criminal Original Petition is allowed.

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Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Judicial Magistrate, Theni.
2. The Inspector of Police,
Bodi Taluk Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.G.Karuppasamy Pandian, Advocate SR.No.91643

cmr

MV:SV-MMS:SAR1:15/12/2017/3P/5C

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