



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD)No.8740 of 2017

Mahendran

... Petitioner

-Vs-

The State of Tamilnadu
Represented by
the Deputy Superintendent of Police,
Puliangudi,
Tirunelveli District.

... Respondent

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the learned II Additional Sessions Judge, Tirunelveli, to set aside the order of Non Bailable Warrant(NBW) and to recall the same issued in S.C.No.32 of 2016, on 31.03.2016 on the date of surrendering the petitioner.

For Petitioner : Mr.S.Xavier Rajini
For Respondent : Mr.K.Anbarasan,
Government Advocate(Crl.Side).

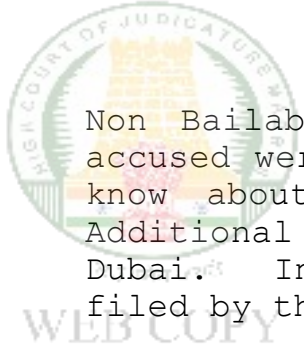
O R D E R

This Criminal Original petition is filed seeking a direction to the learned II Additional Sessions Judge, Tirunelveli, to set aside the order of Non Bailable Warrant(NBW) and recall the same issued in S.C.No.32 of 2016, on 31.03.2016 on the date of surrendering the petitioner.

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

3. It appears that a case was registered in Crime No.245 of 2012 against the petitioner and others for the alleged offences under sections 341, 294(b), 323 of I.P.C., r/w 3(1)(x) of SC/ST Act.

4. The alleged occurrence stated to have taken place on 26.06.2012. Since the petitioner has gone abroad for his livelihood. The petitioner was separated from the other accused and the case against petitioner was numbered as S.C.No.32 of 2016 and



Non Bailable Warrant was issued on 31.03.2016. Though the other accused were acquitted in S.C.No.20 of 2015, the petitioner came to know about the Non Bailable Warrant issued by the learned II Additional Sessions Judge, Tirunelveli, only after he came from Dubai. In the above circumstances, the above petition has been filed by the petitioner.

5. Considering the facts and circumstances of the case, this Court feel that this is a fit case for recall 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 recalling the Non-Bailable Warrant before the learned II Additional Sessions Judge, Tirunelveli, within a period of two weeks from the date of receipt of a copy of this order and in the event of filing such an application, the learned II Additional Sessions Judge, Tirunelveli, is directed to consider the same and pass orders on merits and in accordance with law.

6. With the above direction, the petition is disposed of.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

The Deputy Superintendent of Police,
The State of TamilNadu,
Puliangudi,
Tirunelveli District.

Copy To:-

The II Additional Sessions Judge,
Tirunelveli.

PMU
TE/SKN-RSK/SAR-I : 14/07/2017 : 2P/3C

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