

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.5183 of 2018

Saravanan

...Petitioner

Vs

The State Rep by
The Inspector of Police,
K-2, Ayanavaram Police Station,
(Crime No.462/2010)

....Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Chief Metropolitan Magistrate, Allikulam 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. 4076 of 2010 pending on the file of the learned Chief Metropolitan Magistrate, Allikulam and accept the fresh surety in the above case.

For Petitioner : Mr. J.N.Naresh Kumar

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This petition is filed by the petitioner seeking a direction to the learned Chief Metropolitan Magistrate, Allikulam to consider the recall warrant petition filed by him on the same day of his surrender.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that since the petitioner had met with an accident on 05.02.2014 and also taking continues treatment, he was unable to appear before the learned Chief Metropolitan Magistrate, Allikulam, Chennai. Hence, the Non-Bailable Warrant came to be issued against the petitioner on 29.09.2015.

4. On being satisfied with the reasons stated by the petitioner for his non appearance before the trial Court and also considering the fact that NBW is issued against the petitioner, this Court is constrained to direct the petitioner 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 Chief Metropolitan Magistrate, Allikulam, Chennai and in the event of filing such an application, the learned Chief Metropolitan Magistrate, Allikulam, Chennai is directed to consider the same and pass orders on its own merits on the same day.

With the above observation, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Metropolitan Magistrate,
Allikulam, Chennai
2. The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. J.N. Naresh Kumar, Advocate Sr.13109

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LRS(CO)
EU(14/03/2018)

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