

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.8229 of 2018

M.Shajahan

...Petitioner

Vs

State rep.by its:-

Inspector of Police,
Ranipet Police Station,
Vellore District.

Crime No.181 of 2001

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to recall the Non-Bailable Warrant issued in C.C.No.128 of 2010 dated 26.06.2012 on the file of the learned District Munsif Cum Judicial Magistrate, Ranipet, Vellore District as against the petitioner/2nd accused.

For Petitioner : Mr. Senthil Vel. D

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 District Munsif Cum Judicial Magistrate, Ranipet, Vellore District 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 was bedridden and admitted in the hospital due to his ill-health (Suffering from Brain Stroke, since 2009), he was unable to appear before the learned District Munsif Cum Judicial Magistrate, Ranipet, Vellore District. Hence, the Non-Bailable Warrant came to be issued against the petitioner on 26.06.2012.

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 District Munsif Cum Judicial Magistrate, Ranipet, Vellore District and in the event of filing such an application, the learned District Munsif Cum Judicial Magistrate, Ranipet, Vellore District is directed to consider the same and pass orders on its own merits on the same day.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Inspector of Police,
Ranipet Police Station,
Vellore District.
Crime No.181 of 2001
2. The District Munsif Cum Judicial Magistrate, Ranipet,
Vellore District
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Senthil Vel, Advocate, S.R.No.5145

CRL.O.P.No.8229 of 2018

CS/26/03/18

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